Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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ROBERT A. SPOLZINO, J.P.
PETER B. SKELOS
MARK C. DILLON
JOHN M. LEVENTHAL, JJ.

2008-02472 DECISION & ORDER ON MOTION

Pinelawn Cemetery, appellant,
v Coastal Distribution, LLC, et al., respondents.

(Index No. 8599-04)

Motion by the appellant on an appeal from an order of the Supreme Court, Suffolk County, dated January 8, 2008, to strike stated portions of the brief filed by New York and Atlantic Railway and Coastal Distribution, LLC, on the ground that it refers to matter dehors the record, to strike the brief filed by the Metropolitan Transportation Authority and the Long Island Rail Road, on the ground that those parties are not respondents on the appeal, and to enlarge the time to serve and file a reply brief.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is to strike stated portions of the brief filed by New York and Atlantic Railway and Coastal Distribution, LLC, is denied; and it is further,

ORDERED that the branch of the motion which is to strike the brief filed by the Metropolitan Transportation Authority and the Long Island Rail Road is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to serve and file a reply brief is granted, the appellant's time to serve and file a reply brief is enlarged until July 16, 2009, and the reply brief must be served and filed on or before that date.

SPOLZINO, J.P., SKELOS, DILLON and LEVENTHAL, JJ., concur.

ENTER:

James Edward Pelzer
Clerk of the Court

July 1, 2009

PINELAWN CEMETERY v COASTAL DISTRIBUTION, LLC