

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

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REINALDO E. RIVERA, J.P.
MARK C. DILLON
JOSEPH COVELLO
RANDALL T. ENG
L. PRISCILLA HALL, JJ.

2008-09248

DECISION & ORDER ON MOTION

Edward Davidson, et al., respondents,
v Danny Valentin, et al., appellants.

(Index No. 06-22542)

Motion by the appellants to strike stated portions of the respondents's brief on an appeal from an order of the Supreme Court, Westchester County, entered September 8, 2008.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is granted to the extent that and the following material is stricken:


- (1) page 4, footnote 1;
- (2) page 6, footnote 2
- (3) page 11, the first and second sentence of the first full paragraph; and
- (5) page 20, in the first sentence of the first full paragraph, the words "and have been found in criminal contempt for their willful defiance of the orders";

and the motion is otherwise denied; and it is further,

ORDERED that the Clerk of the court, or his designee, will remove the stricken material from the copies of the respondents's brief filed with this court, and the above material will not be considered on the determination of the appeal..

RIVERA, J.P., DILLON, COVELLO, ENG and HALL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

July 2, 2009

DAVIDSON v VALENTIN