

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

M88952  
E/sl

ANITA R. FLORIO, J.P.  
HOWARD MILLER  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

---

2008-08798

DECISION & ORDER ON MOTION

Joseph Kraker, et al., respondents-appellants,  
v Consolidated Edison Company of New York,  
defendant third-party plaintiff second third-party  
plaintiff third third-party defendant-appellant-  
respondent; Welsbach Electric Corp., third-party  
defendant; City of New York, Inc., second third-  
party defendant-respondent; Aerolife, etc., et al.,  
third third-party defendants.

(Index No. 30592/01)

---

Motion by the respondents-appellants to enlarge the time to serve and file a brief on an appeal and cross appeal from an order of the Supreme Court, Queens County, entered August 18, 2008. Cross motion by Consolidated Edison Company of New York to stay the trial in the above-entitled action and to dismiss the cross appeal.

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

ORDERED that the branch of the cross motion which is to stay the trial is granted and the trial in the above-entitled action is stayed pending hearing and determination of the appeal; and it is further,

July 7, 2009

KRAKER v CONSOLIDATED EDISON COMPANY OF NEW YORK

Page 1.

ORDERED that the branch of the cross motion which is to dismiss the cross appeal is denied on condition that at the time the respondents-appellants' file their answering brief, including the points of argument on the cross appeal (*see* 22 NYCRR 670.8[c][3]), they file proof that they paid their one half share of the cost of the joint record; and it is further,

ORDERED that the motion is granted and the respondents-appellants' time to serve and file a brief is enlarged until July 21, 2009, and the respondents-appellants' brief, including the points of argument on the cross appeal (*see* 22 NYCRR 670.8[c][3]), must be served and filed on or before that date; and it is further,

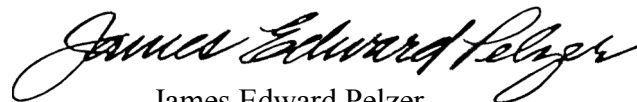
ORDERED that no further enlargement of time shall be granted; and it is further,

ORDERED that the brief of the respondent City of New York responding to the cross appeal, shall be served and filed on or before August 25, 2009; and it is further,

ORDERED that the appellant-respondent shall serve and file its reply brief, if any, on or before September 9, 2009, and the respondents-appellants shall serve and file their reply brief, if any, on or before September 24, 2009.

FLORIO, J.P., MILLER, LEVENTHAL and LOTT, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court