

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

M89216
E/sl

WILLIAM F. MASTRO, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2008-06800

DECISION & ORDER ON MOTION

In the Matter of Sheldon Johnson, deceased.
Charmaine Blair, appellant; Alternate Staffing,
Inc., respondent.

(File No. 3958/04)

Motion by the respondent on an appeal from an order of the Surrogate's Court, Kings County, dated June 17, 2008, to strike the record on the ground that it is inadequate or to direct the appellant to serve and file a supplemental record and to enlarge the time to serve and file a brief.

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

ORDERED that on the court's own motion, the record on appeal is deemed to be an appendix, and the clerk of this court, or his designee, shall subpoena the original papers constituting the court file from the Surrogate's Court, Kings County; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief and appendix, if it be so advised, is granted, the respondent's time to serve and file a brief and appendix is enlarged until August 13, 2009, and the respondent's brief and appendix, if any, must be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

MASTRO, J.P., COVELLO, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 14, 2009

MATTER OF JOHNSON, DECEASED