

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

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E/sl

REINALDO E. RIVERA, J.P.
RANDALL T. ENG
JOHN M. LEVENTHAL
L. PRISCILLA HALL, JJ.

2008-01057

DECISION & ORDER ON MOTION

Gihon, LLC, plaintiff-respondent,
v 501 Second Street, LLC, et al., appellants;
Norma Vigo, intervenor-respondent.

(Index No. 13933/04)

Motion by the appellants on an appeal from an order of the Supreme Court, Kings County, dated December 28, 2007, to enlarge the record to include certain documents. Separate motion by the plaintiff-respondent to strike the appellants' appendix and brief on the ground that they contain or refer to matter dehors the record and that the appendix is inadequate, to impose a sanction upon the appellants and for an award of costs and an attorney's fee, and to enlarge the time to serve and file a brief. Cross motion by the appellants to impose a sanction upon the plaintiff-respondent and for an award of costs and an attorney's fee.

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

ORDERED that the branch of the motion which is to enlarge the plaintiff-respondent's time to serve and file a brief is granted, the plaintiff-respondent's time to serve and file a brief is enlarged until August 26, 2009, and the plaintiff-respondent's brief 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,

July 27, 2009

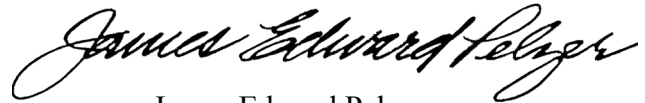
GIHON, LLC v 501 SECOND STREET, LLC

Page 1.

ORDERED that all other relief requested in the motions and cross motion are denied.

RIVERA, J.P., ENG, LEVENTHAL and HALL, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court