

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

M89797  
E/sl

MARK C. DILLON, J.P.  
DANIEL D. ANGIOLILLO  
THOMAS A. DICKERSON  
RANDALL T. ENG, JJ.

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2009-00365

DECISION & ORDER ON MOTION

2339 Empire Management, LLC, appellant,  
v 2329 Nostrand Realty, LLC, et al., respondents.

(Index No. 12344/07)

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Motion by the respondent 2329 Nostrand Realty, LLC, inter alia, on an appeal from an order of the Supreme Court, Kings County, dated April 7, 2008, to dismiss the appeal on the ground that the record on appeal is inadequate or 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

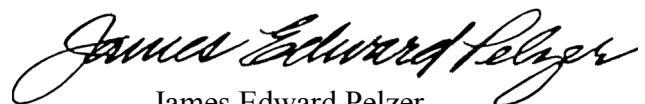
ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief is granted and the time of 2329 Nostrand Realty, LLC, to serve and file a brief is enlarged until August 12, 2009, and the brief of 2329 Nostrand Realty, LLC, must be served and filed on or before that date; and it is further,

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

ORDERED that on the court's own motion, on or before August 12, 2009, the respondent 2329 Nostrand Realty, LLC, if it be so advised, may serve and file a supplemental record containing a letter from Darren Oved to the Honorable Bernadette Bayne, dated December 3, 2007.

DILLON, J.P., ANGIOLILLO, DICKERSON and ENG, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 23, 2009

2339 EMPIRE MANAGEMENT, LLC v 2329 NOSTRAND REALTY, LLC