

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

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E/sl

PETER B. SKELOS, J.P.
JOHN M. LEVENTHAL
L. PRISCILLA HALL
LEONARD B. AUSTIN, JJ.

2008-09498

DECISION & ORDER ON MOTION

Michael Friedman, respondent,
v Peter R. Miale, Jr., appellant.

(Index No. 9848/98)

Motion by the respondent on an appeal from a judgment of the Supreme Court, Kings County, entered July 16, 2008, to enlarge the record to include certain documents, for leave to file those documents as original papers with the Clerk of the court, for leave to the respondent's attorney to certify those documents pursuant to CPLR 2105, to direct the appellant to file a supplemental appendix containing those documents, 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 the branch of the motion which is to enlarge the record is granted to the extent that the record is enlarged to include (1) the respondent's initial submission dated June 14, 2005, with annexed exhibits, (2) the respondent's reply submission dated December 22, 2005, with annexed exhibits, (3) the respondent's affidavit dated May 3, 2006, with annexed exhibits, (4) the respondent's affidavit dated May 24, 2006, with annexed exhibits, and (5) the respondent's affidavit dated June 16, 2006, with annexed exhibits and that branch of the motion is otherwise denied; and it is further,

ORDERED that the branch of the motion which is for leave to file certain documents as original papers with the Clerk of the court is granted to the extent that on or before August 6, 2009, the respondent shall file the documents indicated above as original papers with the Clerk of this court; and it is further,

July 23, 2009

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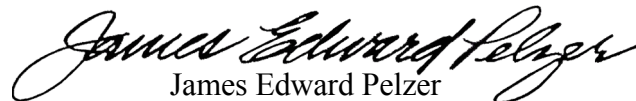
ORDERED that the branch of the motion which is for leave to the respondent's attorney to certify certain documents pursuant to CPLR 2105 is denied as unnecessary; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until August 24, 2009, and the respondent's brief must be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

SKELOS, J.P., LEVENTHAL, HALL and AUSTIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court