

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

M89912
E/sl

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

2008-06763

DECISION & ORDER ON MOTION

In the Matter of Wallkill Cemetery Association,
Inc., et al., appellants, v Town of Wallkill
Planning Board, et al., respondents.

(Index No. 06-3907)

Motion by the respondent E. Tetz & Sons, Inc., and Concrete Properties, LLC, on an appeal from a judgment of the Supreme Court, Orange County, dated May 15, 2008, to direct the appellants to file a supplemental record and to enlarge their time to serve and file a brief. Application by the respondents Town of Wallkill Planning Board and the Town of Wallkill Building Inspector pursuant to 22 NYCRR 670.8(d)(2) to enlarge their time to serve and file a brief.

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

ORDERED that the branch of the motion which is to direct the appellants to file a supplemental record containing the exhibits omitted from the supplemental record filed by the appellants on June 18, 2009, is granted to the extent that on or before August 6, 2009, the appellants shall file with the Clerk of this court the exhibits set forth in the letter of Joseph J. Haspel dated June 15, 2009, to the extent that the exhibits have not yet been filed; and it is further,

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

July 24, 2009

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ORDERED that no further enlargement of time shall be granted; and it is further,
ORDERED that the motion is otherwise denied.

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

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, prominent initial "J".

James Edward Pelzer
Clerk of the Court