

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

M90411  
E/sl

STEVEN W. FISHER, J.P.  
THOMAS A. DICKERSON  
RANDALL T. ENG  
ARIEL E. BELEN, JJ.

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2009-02746

DECISION & ORDER ON MOTION

James DiBuono, et al., respondents, v Abbey,  
LLC, et al., defendants, Edith Shulman,  
appellant.

(Index No. 08-15975)

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Motion by the appellant on an appeal from an order of the Supreme Court, Westchester County, entered March 10, 2009, to strike stated portions of the respondents' brief on the ground that they refer to matter de hors the record and to enlarge the time to serve and file a reply brief.

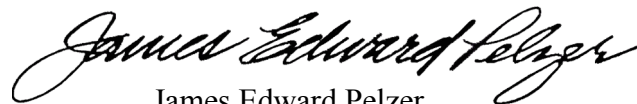
Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is to strike stated portions of the respondents' brief is denied; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to serve and file a reply brief is granted, the appellant's time to serve and file a reply brief is enlarged until August 17, 2009, and the reply brief must be served and filed on or before that date.

FISHER, J.P., DICKERSON, ENG and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 5, 2009

DiBUONO v ABBEY, LLC