

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

M90543  
E/sl

PETER B. SKELOS, J.P.  
THOMAS A. DICKERSON  
ARIEL E. BELEN  
LEONARD B. AUSTIN, JJ.

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2008-08883

DECISION & ORDER ON MOTION

Glenn Williams, et al., appellants, v Corporate Safety & Health Consultants, Inc., defendant third-party plaintiff-respondent, Lovell Safety Management Co., LLC, defendant-respondent; Town of Oyster Bay, third-party defendant-respondent.

(Index No. 21116/06)

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Motion by Lovell Safety Management Co., LLC, to strike the appellants' appendix and direct them to file a replacement appendix on an appeal from an order of the Supreme Court, Nassau County, dated August 4, 2008, and to enlarge its 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 strike the appellants' appendix and direct them to file a replacement appendix is granted to the extent that on or before September 8, 2009, the appellants shall (1) correct the appellants' appendix by inserting the page from the reply affirmation of Richard C. Prezioso, dated June 13, 2008, filed in support of the underlying motion, containing paragraphs 17 through 19, as page 66a in the copies of the appellants' appendix filed with the Clerk of the court, and replace pages 27 through 30 in the copies of the appellants' appendix filed with the Clerk of the court with pages that are in their proper sequence; and (2) serve and file a supplemental appendix containing Exhibits F (payroll records), G (payroll tax records), H (Employee list), I (invoices), L (rent invoices), M (billing statements), N (contract), and O (invoices) annexed to the affirmation of Richard C. Prezioso, dated March 14, 2008, filed in support of the underlying motion, as well as Exhibits A (note of issue and certificate of readiness) and B (invoices) to the reply affirmation of Richard C. Prezioso, dated June 13, 2008, filed in support of the underlying motion; and it is further,

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ORDERED that the branch of the motion which is to enlarge its time to serve and file a brief is granted, and the respondent's time to serve and file a brief is enlarged until October 8, 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., DICKERSON, BELEN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court