

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

M90668
E/sl

REINALDO E. RIVERA, J.P.
MARK C. DILLON
JOSEPH COVELLO
RANDALL T. ENG
L. PRISCILLA HALL, JJ.

2008-09248

DECISION & ORDER ON MOTION

Edward Davidson, et al., respondents,
v Danny Valentin, et al., appellants.

(Index No. 06-22542)

Motion by the respondents on an appeal from an order of the Supreme Court, Westchester County, entered September 8, 2008, to recall and vacate a decision and order on motion of this court dated July 2, 2009, granting, in part, the appellants motion to strike stated portions of the respondents's brief and to impose a sanction upon the appellants.

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


ORDERED that the branch of the respondents' motion which is to vacate the decision and order on motion dated July 2, 2009, is granted, the decision and order on motion dated July 2, 2009, is recalled and vacated, and the appellants' motion to strike stated portions of the respondents' brief is held in abeyance pending receipt of the respondents' opposition to the appellants' motion; and it is further,

ORDERED that on or before August 21, 2009, the respondents' shall serve and file their opposition to the appellants' motion; and it is further,

ORDERED that the branch of the respondents' motion which is to impose a sanction upon the appellants is denied.

RIVERA, J.P., DILLON, COVELLO, ENG and HALL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

August 11, 2009

DAVIDSON v VALENTIN