

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

M90899  
E/sl

MARK C. DILLON, J.P.  
JOSEPH COVELLO  
DANIEL D. ANGIOLILLO  
LEONARD B. AUSTIN, JJ.

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2008-09186, 2009-03672

DECISION & ORDER ON MOTION

Nicholas Parlante, et al., appellants,  
v Arthur Cavallero, etc., respondent.

(Index No. 05-1287)

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Motion by the respondent to dismiss appeals from a judgment of the Supreme Court, Westchester County, entered August 27, 2008, and an amended judgment of the same court entered December 12, 2008, on the ground that the appellants' appendix is inadequate and the transcript is not properly settled, or to enlarge his time to serve and file a brief. Application by the respondent to reject the appellants' opposition to the motion as untimely.

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 application is denied (*see* 22 NYCRR 670.5[b]); and it is further,

ORDERED that the branch of the motion which is to dismiss the appeals is granted to the extent that on or before August 27, 2009, the respondent shall advise the appellants about any corrections to the transcript that he deems necessary, and on or before September 10, 2009, the appellants shall either (1) move to settle the transcript in the Supreme Court, Westchester County, and advise this court accordingly, if the parties cannot agree to corrections to the transcript, (2) serve and file a supplemental appendix containing an errata sheet concerning corrections to the transcript, or (3) advise the court that no corrections to the transcript are necessary, and that branch of the motion is otherwise denied; and it is further,

ORDERED that on or before September 10, 2009, the appellants shall cause the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[b][2]) ; and it is further,

August 17, 2009

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ORDERED that the branch of the motion which is to enlarge the respondent's time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until October 1, 2009, and the respondent's brief must be served and filed on or before that date.

DILLON, J.P., COVELLO, ANGIOLILLO and AUSTIN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court