

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

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E/sl

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

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2008-10107

DECISION & ORDER ON MOTION

Kochumathen A. Babu, appellant,  
v Consolidated Edison Company  
of New York, Inc., respondent.

(Index No. 06-19488)

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Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Westchester County, entered September 25, 2008, on the ground that the record on appeal is inadequate and the appellant's brief contains inaccurate and omitted citations, or to direct the appellant to file a replacement record and to enlarge its time to serve and file a brief. Application by the appellant to deem the record on appeal to be an appendix.

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

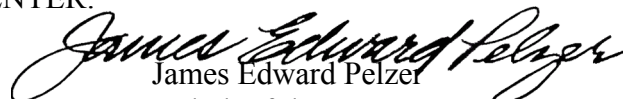
ORDERED that the application is granted, the record is deemed to be an appendix, and on or before September 10, 2009, the appellant shall cause the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[b][2]); and it is further,

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 13, 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.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

August 17, 2009

BABU v CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.