

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.

2008-09458

DECISION & ORDER ON MOTION

Helen Dublis, respondent,
v Joseph Bosco, appellant,
et al., defendants.

(Index No. 25605/04)

Motion by the respondent on an appeal from a judgment of the Supreme Court, Queens County, entered September 17, 2008, to strike the appellant's brief or stated portions of the brief on the ground that it refers to matter dehors the record, to dismiss the appeal on the ground that the appellant did not properly settle the transcript, or to dismiss the appeal on the ground that the record on appeal contains documents dehors the record. Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) 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, and upon the application and the papers filed in opposition thereto, it is

ORDERED that the matter is remitted to the Supreme Court, Queens County, to hear and report on whether the documents contained on pages 793 through 794 of the record on appeal are properly part of the respondent's trial exhibit 1, and the respondent's motion and the appellant's application are held in abeyance in the interim. The Supreme Court, Queens County, shall file its report with all convenient speed.

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

ENTER:



James Edward Pelzer
Clerk of the Court

August 26, 2009

DUBLIS v BOSCO