

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

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E/sl

FRED T. SANTUCCI, J.P.
HOWARD MILLER
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2008-08386

DECISION & ORDER ON MOTION

Eric Goldfine, et al., appellants,
v Michael Sichenzia, et al., defendants,
Catherine N. Coughlin, et al., respondents.

(Index No. 817/01)

Motion by the respondent Catherine N. Coughlin to dismiss an appeal from an order of the Supreme Court, Putnam County, dated August 18, 2008, inter alia, on the ground that the appellants did not serve the record and brief on a necessary party. Cross motion by the appellants for leave to file a supplemental record and allow the respondent Catherine N. Coughlin leave to file a supplemental brief.

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

ORDERED that the branch of the motion which is to dismiss the appeal on the ground that the appellants did not serve the record and brief on a necessary party is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof; and it is further,

ORDERED that the motion is otherwise denied; and it is further,

ORDERED that the branch of the cross motion which is for leave to file a supplemental record is granted, and on or before September 8, 2009, the appellants shall serve and file a supplemental record containing all of the exhibits annexed to the motion papers that resulted in the order dated August 18, 2008; and it is further,

August 25, 2009

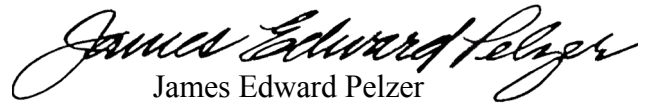
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ORDERED that the branch of the cross motion which is to allow the respondent Catherine N. Coughlin leave to file a supplemental brief is denied without prejudice to her making a motion for this relief, if she be so advised.

SANTUCCI, J.P., MILLER, BALKIN 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