

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

M91219
E/sl

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

2009-00516

DECISION & ORDER ON MOTION

In the Matter of Morris Rubenstein, deceased.
Rosalind Zimmerman, appellant-respondent;
Morris Rubenstein, et al., respondents-appellants.

(File No. 571/86)

Motion by Irving Rubenstein and Yetta Steinberg to strike stated portions of the joint appendix on an appeal and cross appeal from an order of the Surrogate's Court, Kings County, dated November 20, 2008, to direct the appellant-respondent to file a supplemental joint appendix, and to enlarge the time to serve and file the answering brief, including points of argument on the cross appeal (*see* 22 NYCRR 670.8[c][3]).

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

ORDERED that the branch of the motion which is to strike stated portions of the joint appendix is granted, and on or before September 24, 2009, the appellant-respondent shall replace pages A.59 through A.69 of the joint appendix with copies of the documents without notations and replace pages A.22 and A.23 with copy of the decision as issued by the Surrogate's Court, Kings County; and it is further,

ORDERED that the branch of the motion which is to direct the appellant-respondent to file a supplemental joint appendix is denied; and it is further,

ORDERED that on or before October 26, 2009, the respondents-appellants shall serve and file a respondents-appellants' joint appendix containing the notice of cross appeal and, if they be so advised, any additional material; and it is further,

August 25, 2009

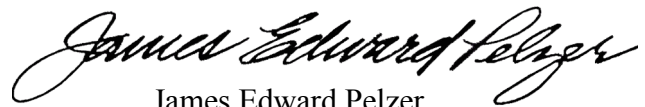
MATTER OF RUBENSTEIN, DECEASED

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ORDERED that the branch of the motion which is to enlarge the respondents-appellants' time to serve and file an answering brief, including points of argument on the cross appeal (*see* 22 NYCRR 670.8[c][3]) is granted, the time to serve and file an answering brief is enlarged until October 26, 2009, and the answering 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