

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

M91272
E/sl

PETER B. SKELOS, J.P.
ANITA R. FLORIO
JOSEPH COVELLO
RUTH C. BALKIN, JJ.

2008-11641

DECISION & ORDER ON MOTION

Catherine Kelly, respondent-appellant,
v J. Brian Kelly, appellant-respondent.

(Index No. 06-5111)

Motion by J. Brian Kelly for leave to file a supplemental joint record on an appeal from a judgment of the Supreme Court, Orange County, dated November 20, 2008. Separate motion by Appeal Press, LLC, to direct Catherine Kelly to pay a one-half share of the cost of the joint record on appeal.

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

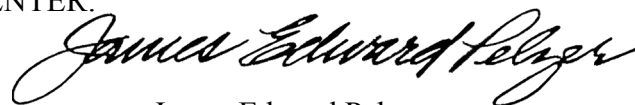
ORDERED that the motion of J. Brian Kelly is granted and on or before September 16, 2009, J. Brian Kelly shall serve and file a supplemental joint record containing the exhibits to the affidavit in opposition of J. Brian Kelly dated September 12, 2008; and it is further,

ORDERED that the time of J. Brian Kelly to serve and file a reply brief is enlarged until September 16, 2009, and J. Brian Kelly shall serve and file a reply brief on or before that day; and it is further,

ORDERED that the motion of Appeal Press, LLC, is dismissed on the ground that it lacks standing, without prejudice to J. Brian Kelly moving for the relief requested in that motion.

SKELOS, J.P., FLORIO, COVELLO and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 26, 2009

KELLY v KELLY