

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

M91352  
E/sl

STEVEN W. FISHER, J.P.  
MARK C. DILLON  
JOSEPH COVELLO  
RANDALL T. ENG, JJ.

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2009-02887

DECISION & ORDER ON MOTION

Jessica Encarnacion, respondent,  
v Kristine M. Smith, et al., defendants,  
GC Alarm, Inc., et al., appellants.

(Index No. 39936/04)

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Motion by the respondent to enlarge the record on an appeal from an order of the Supreme Court, Kings County, dated February 13, 2008, to include certain medical records and a physicians report. Application by the respondent pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief.

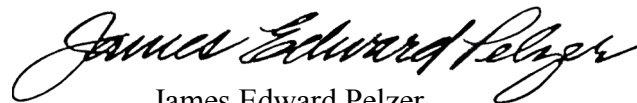
Upon the papers filed in support of the motion and the papers filed in opposition thereto, and upon the application, it is

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

ORDERED that the application is granted, the respondent's time to serve and file a brief is enlarged until September 29, 2009, and the respondent's brief must be served and filed on or before that date.

FISHER, J.P., DILLON, COVELLO and ENG, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 28, 2009

ENCARNACION v SMITH