

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

M91434  
E/sl

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
RANDALL T. ENG  
ARIEL E. BELEN, JJ.

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2008-09813, 2009-02723

DECISION & ORDER ON MOTION  
Motion to Dismiss Appeal

Gina Carrara, et al., appellants,  
v Mary Ann Kelly, et al., respondents.  
(Action No. 1)

John M. Stanton, et al., respondents,  
v Kevin Carrara, et al., appellants.  
(Action No. 2)

(Index Nos. 9985-04, 6709-05)

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Motion by the respondents, inter alia, to dismiss appeals from a judgment of the Supreme Court, Suffolk County, dated September 15, 2008, and an order of the same court dated December 8, 2008, on the ground that the appendix is inadequate, to strike stated portions of the appellants' brief, and 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, it is

ORDERED that the branch of the motion which is to dismiss the appeals is denied on condition that on or before October 20, 2009, the appellants (1) settle the trial transcript and file the full trial transcript as original papers in the office of the Clerk of this court, (2) serve and file a supplemental appendix containing the portions of the trial transcript pertaining to the issue of damages based on the claim of injurious falsehood, and (3) file the trial exhibits in the office of the Clerk of this court; and it is further,

August 31, 2009

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ORDERED that the branch of the motion which is to strike pages 40 and 41 of the brief of the appellants on the ground that the argument raised therein is not properly before the court is denied without prejudice to asserting in the respondents' brief that the argument raised on pages 40 and 41 is not properly before the court; and it is further,

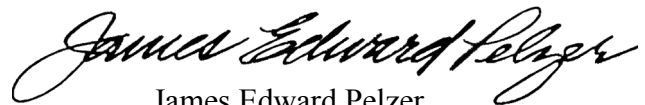
ORDERED that the branch of the motion which is to enlarge the respondents' time to serve and file a brief is granted; and it is further,

ORDERED that the respondents' time to serve and file a brief is enlarged until November 19, 2009, and the respondents' brief must be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

SPOLZINO, J.P., SANTUCCI, ENG and BELEN, 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