

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

M91495  
E/sl

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

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2009-04367

DECISION & ORDER ON MOTION

Joseph Cundari, respondent,  
v American Industrial Trucking, etc.,  
et al., appellants.

(Index No. 101151/05)

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Motion by the appellants on an appeal from a judgment of the Supreme Court, Richmond County, dated March 30, 2009, to be excused from transcribing the entire transcript and for leave to transcribe only the minutes relating to the liability trial. Cross motion by the respondent to limit the appeal, in effect, to only the issues pertaining to the issue of liability.

Upon the papers filed in support of the motion and the cross motion, the papers filed in relation to the motion, and no papers having been filed in opposition or in relation to the cross motion, it is

ORDERED that the motion and the cross motion are granted.

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

ENTER:



James Edward Pelzer  
Clerk of the Court

September 1, 2009

CUNDARI v AMERICAN INDUSTRIAL TRACKING