

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

M92552
E/sl

A. GAIL PRUDENTI, P.J.
HOWARD MILLER
CHERYL E. CHAMBERS
SHERI S. ROMAN, JJ.

2009-01450

DECISION & ORDER ON MOTION

Jill Verch, et al., appellants,
v Peter Charles Associates, Ltd., et al.,
respondents.

(Index No. 15067/06)

Motion by the respondents Peter Charles Associates, Ltd., Peter Charles Lopipero, and Diane Lopipero on an appeal from an order of the Supreme Court, Nassau County, entered January 2, 2009, to strike stated portions of the record on appeal, in effect, to direct the appellants to serve and file a supplemental record containing certain documents, 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 or relation thereto, it is

ORDERED that the branches of the motion which are to strike pages 173 through 191 from the record on appeal and in effect, to direct the appellants to serve and file a supplemental record containing the notice of cross motion and affirmation of Thomas A. Williams both dated July 24, 2008, with annexed exhibits, affirmation of Robert E. Baumann, Jr., dated August 12, 2008, with annexed exhibits, filed in opposition to the cross motion, and reply affirmation of Thomas A. Williams dated August 26, 2008, are granted; and it is further

ORDERED that on or before October 13, 2009, the appellants shall either (1) delete pages 173 through 191 from the copies of the record on appeal filed with the Clerk of the court and serve and file a supplemental record on appeal containing the notice of cross motion and affirmation of Thomas A. Williams both dated July 24, 2008, with annexed exhibits, affirmation of Robert E. Baumann, Jr., dated August 12, 2008, with annexed exhibits, filed in opposition to the cross motion, and reply affirmation of Thomas A. Williams dated August 26, 2008, or (2) serve and file a replacement record on appeal containing the additional material set forth above, as well as the material in the original record on appeal, except for the stricken material set forth above; and it is further,

September 29, 2009

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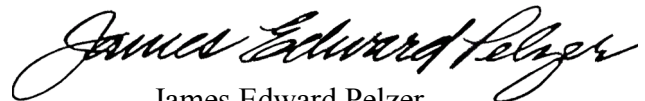
VERCH v PETER CHARLES ASSOCIATES, LTD.

ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief is granted, the time of the respondents Peter Charles Associates, Ltd., Peter Charles Lopipero, and Diane Lopipero to serve and file a brief is enlarged until November 12, 2009, and the brief of the respondents Peter Charles Associates, Ltd., Peter Charles Lopipero, and Diane Lopipero must be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

PRUDENTI, P.J., MILLER, CHAMBERS and ROMAN, 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