

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

M93694  
E/sl

PETER B. SKELOS, J.P.  
ANITA R. FLORIO  
RUTH C. BALKIN  
JOHN M. LEVENTHAL, JJ.

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2009-03371

DECISION & ORDER ON MOTION

Reginald Green, appellant,  
v City of New York, et al., respondents.

(Index No. 20696/05)

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Motion by the respondent City of New York to dismiss an appeal from an order of the Supreme Court, Kings County, dated February 3, 2009, as against it. Separate applications by the respondents Schindler Elevator Corporation and Gallery at Fulton Street, LLC, pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file their briefs.

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

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


ORDERED that on or before November 9, 2009, the appellant shall serve and file a supplemental record containing Exhibit D to the cross motion for summary judgment by the respondent City of New York; and it is further,

ORDERED that on the court's own motion, the time of the respondent City of New York to serve and file a brief is enlarged until December 9, 2009, and the brief of the respondent City of New York must be served and filed on or before that date; and it is further,

ORDERED that the applications are granted, the time of the respondents Schindler Elevator Corporation and Gallery at Fulton Street, LLC, to serve and file their briefs is enlarged until December 9, 2009, and the brief of the respondents Schindler Elevator Corporation and Gallery at Fulton Street, LLC, must be served and filed on or before that date.

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 26, 2009

GREEN v CITY OF NEW YORK