

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

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E/sl

RUTH C. BALKIN, J.P.
RANDALL T. ENG
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2008-08620

DECISION & ORDER ON MOTION

Cathleen Heiny, appellant,
v Jay Heiny, respondent.

(Index No. 04-6602)

Motion by the respondent to dismiss an appeal from a judgment of the Supreme Court, Orange County, dated July 30, 2008, on the ground that the notice of appeal is inadequate, or to direct the appellant to serve and file a supplemental record 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 appeal is denied; and it is further,

ORDERED that the branch of the motion which is to direct the appellant to serve and file a supplemental record is granted and on or before December 14, 2009, the appellant shall serve and file a supplemental record containing the findings of fact and conclusions of law of the Supreme Court, Orange County, dated July 30, 2008, as well as the transcripts of the proceedings in the above-entitled action on November 10, 2005, and December 22, 2005, respectively; and it is further,

ORDERED that the branch of the motion which is to enlarge the respondent's time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until January 13, 2010, and the respondent's brief must be served and filed on or before that date.

BALKIN, J.P., ENG, LEVENTHAL and LOTT, JJ., concur.

ENTER:


James Edward Pelzer

October 29, 2009

HEINY v HEINY

Clerk of the Court

October 29, 2009

HEINY v HEINY