

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

M93792
E/sl

WILLIAM F. MASTRO, J.P.
FRED T. SANTUCCI
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2008-08896

DECISION & ORDER ON MOTION

Jose R. San Martin, etc., et al., respondents,
v Minako S. Wong, appellant.

(Index No. 17167/06)

Motion by the respondents to dismiss an appeal from a judgment of the Supreme Court, Queens County, entered August 18, 2008, for failure to comply with a decision and order on motion dated July 15, 2009, as amended by decision and order on motion dated August 13, 2009, which directed the appellant to remove certain material from the record on appeal and serve and file a replacement brief which did not refer to the above material on or before September 29, 2009, for attorney's fees, and to impose a sanction upon the appellant.


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 granted and the appeal is dismissed, without costs or disbursements; and it is further,

ORDERED that the motion is otherwise denied.

MASTRO, J.P., SANTUCCI, ENG and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 28, 2009

SAN MARTIN v WONG