

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

M94047
E/sl

WILLIAM F. MASTRO, J.P.
THOMAS A. DICKERSON
L. PRISCILLA HALL
PLUMMER E. LOTT, JJ.

2009-03127, 2009-09215

DECISION & ORDER ON MOTION

Michael Grant, respondent,
v Dana Grant, appellant.

(Index No. 203961/00)

Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Nassau County, dated February 2, 2009, on the ground that the order was superseded by a judgment of the same court dated August 26, 2009, or to enlarge the time to serve and file a brief. Separate application by the respondent pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief. Application by the appellant to deem the record and brief filed on the appeal from the order dated February 2, 2009, to also be the record and brief filed in connection with the appeal from the judgment dated August 26, 2009, and to consolidate the appeals.

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 appellant's application is granted, the appeals are consolidated, and on or before November 18, 2009, the appellant shall serve and file a supplemental appendix containing the notice of appeal from the judgment dated August 26, 2009, as well as the judgment dated August 26, 2009; and it is further,

ORDERED that the respondent's application as well as that branch of the respondent's motion which was to enlarge the time to serve and file a brief are granted, the respondent's time to serve and file a brief is enlarged until December 18, 2009, and the respondent's brief must be served and filed on or before that date; and it is further,

November 4, 2009

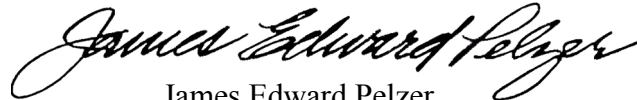
GRANT v GRANT

Page 1.

ORDERED that the branch of the respondent's motion which is to dismiss the appeal from the order is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof.

MASTRO, J.P., DICKERSON, HALL and LOTT, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style with a large initial "J".

James Edward Pelzer
Clerk of the Court