

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

M243484
E/afa

RUTH C. BALKIN, J.P.
JOHN M. LEVENTHAL
SYLVIA O. HINDS-RADIX
JOSEPH J. MALTESE, JJ.

2017-02394

DECISION & ORDER ON MOTION

Karen Issokson-Silver, etc., plaintiff-respondent, v Ian Lustbader, et al., defendants, Kenneth Hymes, etc., et al., defendants-respondents, Gerald Bailey, etc., et al., appellants.

(Index No. 58596/13)

Motion by the appellants to strike stated portions of the plaintiff-respondent's brief on an appeal from an order of the Supreme Court, Westchester County, dated February 14, 2017, on the ground that they refer to matter de hors the record.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof.

BALKIN, J.P., LEVENTHAL, HINDS-RADIX and MALTESE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

January 5, 2018

ISSOKSON-SILVER v LUSTBADER