

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

M244077  
E/afa

MARK C. DILLON, J.P.  
SYLVIA O. HINDS-RADIX  
JOSEPH J. MALTESE  
HECTOR D. LASALLE, JJ.

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2017-00469, 2017-00470

DECISION & ORDER ON MOTION

Vector Structural Preservation Corp.,  
respondent, v Rialto-Capital Urban  
Renewal Company, LLC, appellant,  
et al., defendant.

(Index No. 10949/13)

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Motion by the respondent, inter alia, to dismiss appeals from an order of the Supreme Court, Nassau County, entered December 1, 2016, and a judgment of the same court dated December 12, 2016, on the ground that the appellant's appendix is inadequate. Cross motion by the appellant to impose a sanction upon the respondent and for an award of costs and an attorney's fee. Separate motion by the appellant to preclude the respondent from filing a brief and deem the appeal submitted without opposition. Separate cross motion by the respondent to strike stated portions of the appellant's appendix and the appellant's brief on the ground that they contain or refer to matter de hors the record. Application by the respondent pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief.

Upon the papers filed in support of the motions and the cross motions, and the papers filed in opposition thereto, and upon the papers filed in support of the application and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the branch of the respondent's motion which is to dismiss the appeals is denied on condition that on or before March 5, 2018, the appellant serve and file a supplemental appendix which contains the exhibits annexed to the papers filed in connection with the motion that was determined by the order entered December 1, 2016, that were omitted from the appellant's appendix; and it is further,

February 2, 2018

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RENEWAL COMPANY, LLC

ORDERED that the respondent's motion is otherwise denied; and it is further,

ORDERED that the appellant's cross motion is denied; and it is further,

ORDERED that the appellant's motion is denied; and it is further,

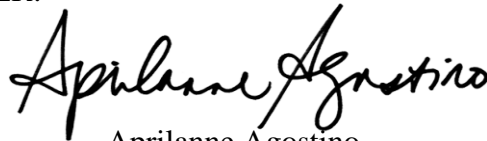
ORDERED that the branch of the respondent's cross motion which is to strike pages A424 through A434 of the appellant's appendix is granted and on or before March 5, 2018, the appellant shall remove those pages from the copies of the appellant's appendix filed with the Clerk of this Court; and it is further,

ORDERED that the respondent's cross motion is otherwise denied; and it is further,

ORDERED that the application is granted, the respondent's time to serve and file a brief is enlarged until April 4, 2018, and the respondent's brief shall be served and filed on or before that date.

DILLON, J.P., HINDS-RADIX, MALTESE and LASALLE, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino  
Clerk of the Court