

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

M244208
E/afa

RUTH C. BALKIN, J.P.
LEONARD B. AUSTIN
VALERIE BRATHWAITE NELSON
LINDA CHRISTOPHER, JJ.

2017-03530

DECISION & ORDER ON MOTION

Cynthia Settles, appellant, v Onewest Bank, FSB, et al., respondents, et al., defendants.

(Index No. 1317/15)

Motion by the appellant pro se on an appeal from an order of the Supreme Court, Rockland County, entered February 2, 2017, to waive compliance with the requirements of 22 NYCRR 670.10.2(f) regarding certification of the record on appeal. Separate motion by the respondent to dismiss the appeal on the ground that the record is inadequate or, in the alternative, to direct the appellant to serve and file a supplemental record and to enlarge the time to serve and file a brief, and for an award of costs and attorney fees.

Upon the papers filed in support of the appellant's motion and no papers having been filed in opposition or in relation thereto, and upon the papers filed in support of the respondent's motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the respondent's motion which is to direct the appellant to serve and file a supplemental record is denied on condition that on or before February 5, 2018, the appellant shall serve and file a supplemental record which contains all papers filed in connection with the motions which were determined by the order entered February 2, 2017, that are not contained in the record; and it is further,

ORDERED that the branch of the respondent's 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 March 5, 2018, and the respondent's brief shall be served and filed on or before that date; and it is further,

January 5, 2018

SETTLES v ONEWEST BANK, FSB

Page 1.

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

ORDERED that the appellant's motion to waive certification is denied with leave to renew by a motion made simultaneously with the filing of the supplemental record.

BALKIN, J.P., AUSTIN, BRATHWAITE NELSON and CHRISTOPHER, JJ., concur.

ENTER:

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

Aprilanne Agostino
Clerk of the Court