

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

M245813  
E/htr

MARK C. DILLON, J.P.  
JOHN M. LEVENTHAL  
HECTOR D. LASALLE  
VALERIE BRATHWAITE NELSON, JJ.

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2017-10260

DECISION & ORDER ON MOTION

255 Butler Associates, LLC, respondent,  
v 255 Butler, LLC, appellant.

(Index No. 511560/15)

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Motion by the respondent to strike the appellant's brief on an appeal from an order of the Supreme Court, Kings County, dated September 14, 2017, on the ground that it refers to matter de hors the record and improperly raises issues for the first time on appeal, to vacate a stay granted by decision and order on motion of this Court dated November 24, 2017, and to enlarge the time to serve and file a brief.

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 strike the appellant's brief is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof; and it is further,

ORDERED that the branch of the motion which is to vacate a stay granted by decision and order on motion of this Court dated November 24, 2017, is denied; and it is further,

ORDERED that the branch of the 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 8, 2018, and the respondent's brief shall be served and filed on or before that date.

DILLON, J.P., LEVENTHAL, LASALLE and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

February 7, 2018

255 BUTLER ASSOCIATES, LLC v 255 BUTLER, LLC