

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

M246630

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RUTH C. BALKIN, J.P.  
CHERYL E. CHAMBERS  
SANDRA L. SGROI  
VALERIE BRATHWAITE NELSON, JJ.

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2017-00175

DECISION & ORDER ON MOTION

3301 Atlantic Avenue, LLC, et al., respondents,  
v Atlantic Chestnut, LLC, et al., defendants,  
Atlantic Chestnut Affordable Housing, LLC,  
appellant.

(Index No. 502062/16)

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On the Court's own motion, it is

ORDERED that the decision and order on motion of this Court dated February 21, 2018, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by the appellant, inter alia, to strike the respondents' brief on an appeal from an order of the Supreme Court, Kings County, dated December 15, 2016, or, in the alternative, to enlarge the time to serve and file a reply brief. Cross motion by the respondents for an award of costs and an attorney's fee, and to impose a sanction upon the appellant and its counsel.

Upon the papers filed in support of the motion and the cross motion and the papers filed in opposition thereto, it is

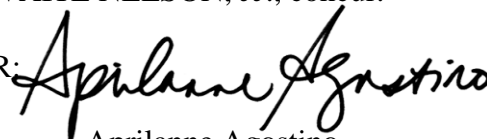
ORDERED that the branch of the appellant's motion which is to enlarge the time to serve and file a reply brief is granted, the appellant's time to serve and file a reply brief is enlarged until March 5, 2018, and the reply brief shall be served and filed on or before that date; and it is further,

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

ORDERED that the cross motion is denied.

BALKIN, J.P., CHAMBERS, SGROI and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

February 22, 2018

3301 ATLANTIC AVENUE, LLC v ATLANTIC CHESTNUT, LLC