

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

M246647  
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ALAN D. SCHEINKMAN, P.J.  
JOHN M. LEVENTHAL  
JOSEPH J. MALTESE  
VALERIE BRATHWAITE NELSON, JJ.

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2016-08331

DECISION & ORDER ON MOTION

Esther York, respondent, v Joseph York,  
defendant-appellant; William York, nonparty-  
appellant.

(Index No. 11853/98)

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Motion by the respondent, inter alia, to dismiss appeals from an order of the Supreme Court, Queens County, entered July 8, 2016, on the ground that the joint appendix is inadequate, or, in the alternative, 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 dismiss the appeals is denied on condition that on or before April 2, 2018, the defendant-appellant and nonparty-appellant shall either serve and file a replacement joint appendix containing the corrections set forth at paragraph 15 on pages 7 and 8 of the affirmation in support on the motion dated December 28, 2017, or correct the copies of the joint appendix filed with the Clerk of this Court by replacing page A13 with a legible copy of that page of the document, remove pages A14 through A21, A28 through A30, A178 through A191, A279, A280, A343, A355, and A356, and correct the caption heading on pages A110 and A336, and serve and file a supplemental appendix containing the material listed in items 3, 4, 5, 6, 8, 9, 11, 12, and 13 of paragraph 15 on pages 7 and 8 of the affirmation in support of the motion dated December 28, 2017; 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 May 2, 2018, and the respondent's brief shall be served and filed on or before that date; and it is further,

February 27, 2018

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ORDERED that the motion is otherwise denied.

SCHEINKMAN, P.J., LEVENTHAL, MALTESE and BRATHWAITE NELSON, 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