

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

M246922
E/afa

LEONARD B. AUSTIN, J.P.
SHERI S. ROMAN
ROBERT J. MILLER
FRANCESCA E. CONNOLLY, JJ.

2017-04586, 2017-04587

DECISION & ORDER ON MOTION

Deborah S. Goodman, appellant,
v Andreas Lempa, respondent.

(Index No. 5177/10)

Motion by the appellant pro se on appeals from a judgment of the Supreme Court, Rockland County, dated March 24, 2017, and an order of the same court entered April 7, 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 appellant's appendix is inadequate and contains matter dehors the record and the appellant's brief refers to matter dehors the record or, in the alternative, to strike stated portions of the appellant's appendix and the appellant's brief, to impose a sanction upon the appellant, and to enlarge the time to serve and file a brief.

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

ORDERED that the branch of the respondent's motion which is to dismiss the appeal is denied on condition that on or before March 27, 2018, the appellant (1) serve and file a supplemental appendix containing (a) the summons with notice dated May 24, 2010, (b) the proposed amendments to trial transcripts dated September 28, 2017, (c) the letter dated October 4, 2017, (d) complete copies of the respondent's trial Exhibits A, A-2, and A-3, (e) the respondent's notice of cross motion and Exhibits A through Y which were annexed to an affirmation dated April 29, 2016, and an affidavit of the respondent dated April 29, 2016, (f) the appellant's reply affidavit dated May 11, 2016, (g) the respondent's reply affirmation dated May 19, 2016, and (h) Exhibit F annexed to the appellant's affidavit in support of her motion for legal fees, (2) remove pages A20 through A30, A786, and A837, as well as references in the table of contents to the material on those pages, from the copies of the appellant's appendix filed with the Clerk of the Court, and (3) delete Points I and VI, as well as references to those Point headings in the table of contents, from the copies

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of the appellant's brief filed with the Clerk of this Court or serve and file a replacement brief that does not contain or refer to the material in those Points; 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 April 26, 2018, and the respondent's brief shall be served and filed on or before that date; and it is further,

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

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

AUSTIN, J.P., ROMAN, MILLER and CONNOLLY, 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