

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

M246931
E/afa

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

2017-11116

DECISION & ORDER ON MOTION

In the Matter of Shmuel Vasser, et al.,
appellants, v City of New Rochelle, et al.,
respondents.

(Index No. 57315/17)

Motion by the respondent ND Acquisitions, LLC, to strike stated portions of the appellants' brief on an appeal from an order of the Supreme Court, Westchester County, dated September 14, 2017, on the grounds that the arguments contained in those portions of the brief have been rendered academic, refer to matter dehors the record, or improperly raise issues for the first time on appeal, for an award of costs and an attorney's fee, to impose a sanction upon the appellants, and to enlarge the time to serve and file a brief. Motion by the appellants Shmuel Vasser and Daniel Krasner to vacate a decision and order on application of this Court dated January 12, 2018, which granted the application of Harry Stone and Jacqueline Stone for leave to withdraw the appeal insofar as taken by them.

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 strike stated portions of the appellants' 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 respondent's motion which is to enlarge the time to serve and file a brief is granted, the respondents' time to serve and file their respective briefs is enlarged until April 18, 2018, and the respondents' briefs 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,


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ORDERED that the motion by the appellants Shmuel Vasser and Daniel Krasner is denied.

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

ENTER: 
Aprilanne Agostino
Clerk of the Court