

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

M246934
E/afa

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

2016-04437, 2016-04830

DECISION & ORDER ON MOTION

Wells Fargo Bank, N.A., respondent,
v Timothy M. Rooney, appellant,
et al., defendants.

(Index No. 10167/09)

Motion by the respondent to strike the record on appeals from an order of the Supreme Court, Dutchess County, dated April 4, 2016, and a judgment of the same court also dated April 4, 2016, on the ground that it is inadequate and contains matter dehors the record, to strike the appellant's brief on the ground that it refers to matter dehors the record, 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 record is granted to the extent that on or before March 27, 2018, the appellant shall remove pages 65 through 85 and 275 through 284 from the copies of the record filed with the Clerk of the Court and serve and file a supplemental record containing the three orders of the Supreme Court, Dutchess County, all dated April 15, 2013, which were annexed to the affidavit of Timothy M. Rooney dated November 5, 2015, affirmation of Barry Weiss dated December 7, 2015, with annexed exhibits, notice of cross motion for judgment of foreclosure and sale dated November 25, 2015, with annexed affirmation and exhibits, reply affidavit of Timothy M. Rooney dated January 4, 2016; and it is further,

ORDERED that the branch of the motion which is to strike the appellant's brief is granted to the extent that on or before March 27, 2018, the appellant shall delete references to the material on pages 65 through 85 and 275 through 284 of the record; and it is further,

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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 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 motion is otherwise denied.

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