

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

M247109
E/afa

WILLIAM F. MASTRO, J.P.
CHERYL E. CHAMBERS
SANDRA L. SGROI
JEFFREY A. COHEN, JJ.

2017-10420

DECISION & ORDER ON MOTION

Master Holding, Inc., respondent, v Guru P.
Hariprasad, appellant, et al., defendants.

(Index No. 704917/2014)

Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Queens County, dated September 11, 2017, on the ground that dismissal of certain prior appeals precludes consideration of the issues raised on this appeal and on the grounds that the appellant's appendix is inadequate and contains matter dehors the record.

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 appeal on the ground that dismissal of certain prior appeals precludes consideration of the issues raised on this appeal 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 motion which is to dismiss the appeal on the grounds that the appellant's appendix is inadequate and contains matter dehors the record is denied on condition that on or before April 19, 2018, the appellant remove pages A181 and A182 from the copies of the appellant's appendix filed with the Clerk of the Court and serve and file a supplemental appellant's appendix containing the respondent's opposition to the appellant's motion to vacate, with annexed exhibits; and it is further,

ORDERED that on the Court's own motion, the respondent's time to serve and file a brief is enlarged until May 21, 2018, and the respondent's brief shall be served and filed on or before that date.

MASTRO, J.P., CHAMBERS, SGROI and COHEN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 7, 2018

MASTER HOLDING, INC. v HARIPRASAD