

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

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RUTH C. BALKIN, J.P.
SHERI S. ROMAN
ROBERT J. MILLER
VALERIE BRATHWAITE NELSON, JJ.

2016-13092

DECISION & ORDER ON MOTION

Citimortgage, Inc., respondent,
v Everette Weaver, appellant,
et al., defendants.

(Index No. 18430/09)

Motion by the appellant pro se on an appeal from an order of the Supreme Court, Kings County, dated September 26, 2016, 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 record is inadequate or, in the alternative, to enlarge the time to serve and file a brief.

Upon the papers filed in support of the appellant's motion and no papers having been filed in opposition or in relation thereto, and upon the papers filed in support of the respondent's motion and the papers filed in opposition thereto, it is

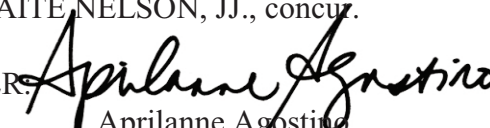
ORDERED that the branch of the respondent's motion which is to dismiss the appeal is denied on condition that on or before April 3, 2018, the appellant serve and file a supplemental record containing the documents listed in paragraph 5 of the affirmation in support of the respondent's motion; and it 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 May 3, 2018, and the respondent's brief shall be served and filed on or before that date; and it is further,

ORDERED that the branch of the motion which is to waive compliance with the requirements of 22 NYCRR 670.10.2(f) regarding certification of the record is denied with leave to renew by a motion made simultaneously with the filing of the supplemental record.

BALKIN, J.P., ROMAN, MILLER and BRATHWAITE NELSON, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

March 9, 2018

CITIMORTGAGE, INC. v WEAVER