

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

M247314
E/afa

CHERYL E. CHAMBERS, J.P.
JEFFREY A. COHEN
JOSEPH J. MALTESE
BETSY BARROS, JJ.

2017-06489

DECISION & ORDER ON MOTION

United Airconditioning Corp., respondent-appellant, v Axis Piping, Inc., appellant-respondent.

(Index No. 603326/13)

Motion by the appellant-respondent to enlarge the time to perfect an appeal from an order of the Supreme Court, Nassau County, entered June 14, 2017, for leave to file a joint record in the form annexed to the motion papers, and to direct the respondent-appellant to pay one-half of the cost of the joint record in the form annexed to the motion papers. By decision and order on motion of this Court dated February 20, 2018, the matter was remitted to the Supreme Court, Nassau County, to report on whether that court considered the papers filed in connection with a motion that was determined by an order of that court dated December 14, 2016, in determining the motion and cross motion that were determined by the order entered June 14, 2017. The Supreme Court, Nassau County, has filed its report dated February 22, 2018.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, and upon the report of the Supreme Court, Nassau County, dated February 22, 2018, it is

ORDERED that the branch of the motion which is for leave to file a joint record in the form annexed to the motion papers is denied; and it is further,

ORDERED that the branch of the motion which is to direct the respondent-appellant to pay one-half of the cost of the joint record in the form annexed to the motion papers is denied as academic; and it is further,

ORDERED that on the Court's own motion, the appellant-respondent's time to perfect the appeal is enlarged until May 14, 2018, and the joint record or appendix on appeal and cross appeal (*see* 22 NYCRR 670.8[c][1]) and the appellant-respondent's brief shall be served and

March 12, 2018

UNITED AIRCONDITIONING CORP. v AXIS PIPING, INC.

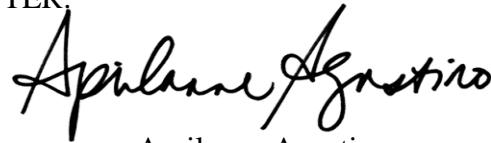
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filed on or before that date; and it is further,

ORDERED that the respondent-appellant shall serve and file its answering brief, including its points of argument on the cross appeal, in accordance with the rules of this Court (*see* 22 NYCRR 670.8[c][3]).

CHAMBERS, J.P., COHEN, MALTESE and BARROS, 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