

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

M247355
E/afa

CHERYL E. CHAMBERS, J.P.
SHERI S. ROMAN
JEFFREY A. COHEN
SYLVIA O. HINDS-RADIX, JJ.

2017-01389, 2017-02770

DECISION & ORDER ON MOTION

Vinton Roye, etc., appellant, v Burt W.
Gelberg, etc., et al., respondents.

(Index No. 25479/12)

Motion by the appellant on appeals from two orders of the Supreme Court, Queens County, entered November 28, 2016, and March 9, 2017, respectively, to clarify a decision and order on motion of this Court dated December 20, 2017, to enlarge the record to include certain “signature pages,” and to extend the time to comply with the decision and order on motion of this Court dated December 20, 2017. Cross motion by the respondents Burt W. Gelberg and Burt W. Gelberg, M.D., P.C. to dismiss the appeals for failure to comply with the decision and order on motion of this Court dated December 20, 2017.

Upon the papers filed in support of the motion and the cross motion, and the papers filed in opposition thereto, it is

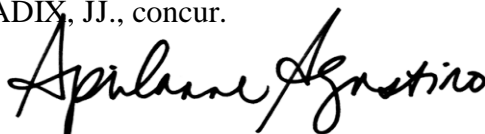
ORDERED that the cross motion is denied on condition that on or before April 9, 2018, the appellant shall serve and file a supplemental appellant’s appendix containing Exhibits C, H, and P annexed to an affirmation of Douglas P. Perry dated March 24, 2016, in support of the motion for summary judgment which was determined by the order entered November 28, 2016, and all exhibits annexed to an affirmation filed by the respondent Franklin Hospital in opposition to the appellant's post note of issue motion for additional discovery which was determined by the order entered March 9, 2017; and it is further,

ORDERED that no extension of the time to serve and file the supplemental appellant’s appendix shall be granted; and it is further,

ORDERED that the motion is granted to the extent that the appellant shall serve and file the supplemental appellant’s appendix set forth above and is otherwise denied.

CHAMBERS, J.P., ROMAN, COHEN and HINDS-RADIX, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 13, 2018

ROYE v GELBERG