

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

M247610
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MARK C. DILLON, J.P.
JOHN M. LEVENTHAL
HECTOR D. LASALLE
VALERIE BRATHWAITE NELSON, JJ.

2017-10260

DECISION & ORDER ON MOTION

255 Butler Associates, LLC, respondent,
v 255 Butler, LLC, appellant.

(Index No. 511560/15)

Motion by the respondent on an appeal from an order of the Supreme Court, Kings County, dated September 14, 2017, for leave to reargue the branch of its prior motion which was to strike the appellant's brief on the ground that it refers to matter dehors the record and improperly raises issues for the first time on appeal, which was held in abeyance by a decision and order on motion of this Court dated February 7, 2018, to enlarge the time to serve and file a brief, and for a preference in the calendaring of the appeal.

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 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 16, 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.

DILLON, J.P., LEVENTHAL, LASALLE and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 19, 2018

255 BUTLER ASSOCIATES, LLC v 255 BUTLER, LLC