

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

M247864
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REINALDO E. RIVERA, J.P.
SHERI S. ROMAN
SYLVIA O. HINDS-RADIX
LINDA CHRISTOPHER, JJ.

2017-08149

DECISION & ORDER ON MOTION

In the Matter of Fourth Garden Park,
respondent-appellant, v Board of Assessors,
etc., appellant-respondent.

(Index Nos. 22527/09, 21540/10, 17515/11,
20319/12, 61885/13, 65374/14, 607447/15,
609766/16)

Motion by the respondent-appellant on an appeal and a cross appeal from an order of the Supreme Court, Suffolk County, dated May 19, 2017, inter alia, to dismiss the appeal for failure to timely perfect and to confirm that no automatic stay is in effect staying the trial in the above-entitled matter pending hearing and determination of the appeal. Application by the appellant-respondent pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to perfect the appeal.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, and upon the papers filed in support of the application and the papers having been filed in opposition thereto, it is

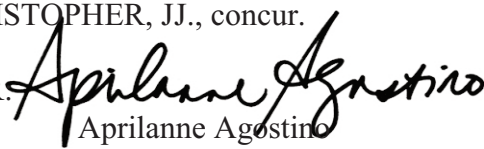
ORDERED that the motion is denied; and it is further,

ORDERED that the application is granted, the appellant-respondent's time to perfect the appeal is enlarged until April 25, 2018, the joint record or appendix on the appeal and cross appeal (*see* 22 NYCRR 670.8[c][1]) and the appellant-respondent's brief shall be served and filed on or before that date; and it is further,

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

RIVERA, J.P., ROMAN, HINDS-RADIX and CHRISTOPHER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

March 26, 2018

MATTER OF FOURTH GARDEN PARK v BOARD OF ASSESSORS