

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

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ALAN D. SCHEINKMAN, P.J.
RUTH C. BALKIN
JOHN M. LEVENTHAL
VALERIE BRATHWAITE NELSON, JJ.

2017-13166

DECISION & ORDER ON MOTION

3301 Atlantic Avenue, LLC, et al., appellants-respondents, v Atlantic Chestnut, LLC, et al., respondents-appellants, et al., defendants (and a third-party action).

(Index No. 502062/16)

2018-01710

3301 Atlantic Avenue, LLC, et al., respondents, v Atlantic Chestnut, LLC, et al., defendants, Atlantic Chestnut Affordable Housing, LLC, appellant (and a third-party action).

(Index No. 502062/16)

Motion by Atlantic Chestnut Affordable Housing, LLC, to consolidate an appeal and cross appeals from an order of the Supreme Court, Kings County, dated July 19, 2017, with an appeal from an order of the same court dated December 22, 2017, for leave to serve and file a supplemental joint record containing material related to the appeal from the order dated December 22, 2017, to enlarge the time to serve and file an answering brief, and to enlarge the time to serve and file reply briefs.

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 time of Atlantic Chestnut Affordable Housing, LLC, to serve and file an answering brief in connection with the appeal and cross appeals from the order dated July 19, 2017, is granted, the time of Atlantic Chestnut

March 26, 2018

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Affordable Housing, LLC, to serve and file its answering brief, including its points of argument on the cross appeal (*see* 22 NYCRR 670.8[c][3]), is enlarged until April 23, 2018, and the answering brief shall be served and filed on or before that date; and it is further,

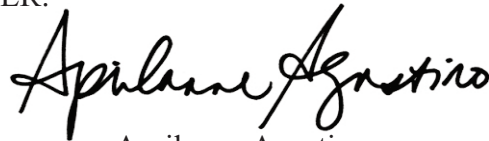
ORDERED that the branch of the motion which is to enlarge the time to serve and file reply briefs in connection with the appeal and cross appeals from the order dated July 19, 2017, is denied as premature; and it is further,

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

ORDERED that on the Court's own motion, the appeal and cross appeals from the order dated July 19, 2017, will be calendared together with the appeal from the order dated December 22, 2017, and will be argued or submitted on the same date.

SCHEINKMAN, P.J., BALKIN, LEVENTHAL and BRATHWAITE NELSON, 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