

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

M248251  
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JOHN M. LEVENTHAL, J.P.  
SANDRA L. SGROI  
HECTOR D. LASALLE  
VALERIE BRATHWAITE NELSON, JJ.

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2017-02313

DECISION & ORDER ON MOTION

Wells Fargo Bank, National Association,  
etc., respondent, v Joel Sucher, et al., appellants,  
et al., defendants.

(Index No. 61311/15)

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Motion by the appellants to strike the respondent's brief or direct the respondent to serve and file a replacement brief on an appeal from an order of the Supreme Court, Westchester County, dated February 3, 2017, on the ground that the respondent's brief refers to matter dehors the record, and to enlarge the time to serve and file a reply brief.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the branch of the motion which is to strike the respondent's brief or direct the respondent to serve and file a replacement brief is granted to the extent that footnote 2 on page 10 and all references to the letter referred to in that footnote are stricken, on or before May 2, 2018, the respondent shall delete the stricken material from the copies of the respondent's brief filed with the Clerk of this Court, and that branch of the motion is otherwise denied; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to serve and file a reply brief is granted, the appellants' time to serve and file a reply brief is enlarged until May 14, 2018, and the reply brief shall be served and filed on or before that date.

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

ENTER:



Aprilanne Agostino  
Clerk of the Court

April 2, 2018

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