

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

M248284
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MARK C. DILLON, J.P.
LEONARD B. AUSTIN
SANDRA L. SGROI
BETSY BARROS, JJ.

2016-02538

DECISION & ORDER ON MOTION

Onewest Bank, FSB, respondent,
v Everette Weaver, appellant,
et al., defendants.

(Index No. 83/14)

Motion by the respondent to dismiss an appeal from an order of the Supreme Court, Dutchess County, dated December 7, 2015, for failure to comply with a decision and order on motion of this Court dated December 1, 2017, or, in the alternative, to direct the appellant to serve and file a supplemental record and to enlarge the time to serve and file a brief.

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 dismiss the appeal is denied on condition that on or before May 18, 2018, the appellant serve and file a supplemental record containing Exhibits G and I to the affirmation of Lawrence Thomas dated October 13, 2015; and it is further,

ORDERED the time to serve and file a supplemental record shall not be extended; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief is granted, the respondent's time to serve and file a brief is enlarged until June 18, 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., AUSTIN, SGROI and BARROS, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 3, 2018

ONEWEST BANK, FSB v WEAVER