

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

M248631
E/afa

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
LEONARD B. AUSTIN
HECTOR D. LASALLE, JJ.

2017-05031

DECISION & ORDER ON MOTION

Lehman Brothers Bank, plaintiff, v Cassandra
Hickson, et al., respondents, et al., defendant;
VVSI Corp., nonparty-appellant.

(Index No. 29272/07)

Motion by the respondents, inter alia, to strike the appellant's appendix and the appellant's brief on an appeal from an order of the Supreme Court, Kings County, dated April 24, 2017, on the ground that they contain or refer to matter dehors the record, to enlarge the time to serve and file a brief, and to impose a sanction upon the nonparty-appellant and its counsel.

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 appellant's appendix is granted to the extent that Volume II of the appellant's appendix is stricken; and it is further,

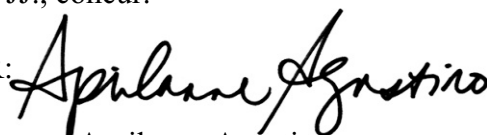
ORDERED that the branch of the motion which is to strike the appellant's brief is granted, the appellant's brief is stricken, and on or before May 11, 2018, the appellant shall serve and file a replacement brief that does not refer to the material in Volume II of the appellant's appendix or other matter dehors the record; 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 respondents' time to serve and file a brief is enlarged until June 11, 2018, and the respondents' brief shall be served and filed on or before that date; and it is further,

ORDERED that the motion is otherwise denied.

MASTRO, J.P., RIVERA, AUSTIN and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 11, 2018

LEHMAN BROTHERS BANK v HICKSON