

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

M248835
E/afa

LEONARD B. AUSTIN, J.P.
SHERI S. ROMAN
ROBERT J. MILLER
FRANCESCA E. CONNOLLY, JJ.

2016-09519

DECISION & ORDER ON MOTION

Naeco S. Harris, appellant,
v Deanna Young, respondent.

(Index No. 63956/13)

Motion by the respondent to enlarge the record on an appeal from an order of the Supreme Court, Suffolk County, dated July 19, 2016, to include the report of Alan J. Zimmerman dated December 5, 2013. Application by the respondent pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a brief. By decision and order on motion of this Court dated March 5, 2018, the matter was remitted to the Supreme Court, Suffolk County, to report on whether that court considered the report of Alan J. Zimmerman dated December 5, 2013, in connection with the motion that was determined by the order dated July 19, 2016, and the motion and the application were held in abeyance in the interim. The Supreme Court, Suffolk County, has issued its report dated April 9, 2018.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, upon the papers filed in support of the application and no papers having been filed in opposition or in relation thereto, and upon the report of the Supreme Court, Suffolk County, dated April 9, 2018, it is

ORDERED that the motion is denied as unnecessary as the report of Alan J. Zimmerman dated December 5, 2013, is properly part of the record; and it is further,

ORDERED that on the Court's own motion, on or before May 7, 2018, the appellant shall serve and file a supplemental record containing the report of Alan J. Zimmerman dated December 5, 2013; and it is further,

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ORDERED that the application is granted, the respondent's time to serve and file a brief is enlarged until June 7, 2018, and the respondent's brief shall be served and filed on or before that date.

AUSTIN, J.P., ROMAN, MILLER and CONNOLLY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court