

**Bernice L. Harris & Allison Harris Schifini, individually & derivatively on behalf of TJ Mont. Enters., LLC v Betsy Harris, Also Known as Betsy Savage, & Tamara Harris, Individually & as Preliminary Ex'r of the Estate of Steven Harris, Deceased**

Motion No: 3259 3342

Slip Opinion No: 2020 NYSlipOp 74562(U)

Decided on November 12, 2020

Appellate Division, First Department, Motion Decision

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Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the  
Official Reports.

**Supreme Court of the State of New York**  
**Appellate Division, First Judicial Department**

PRESENT: Hon. Sallie Manzanet-Daniels, Justice Presiding,  
Angela M. Mazzarelli  
Anil C. Singh  
Tanya R. Kennedy  
Saliann Scarpulla, Justices.

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Bernice L. Harris and Allison Harris Schifini, individually and derivatively on behalf of TJ Montana Enterprises, LLC, Plaintiffs-Appellants,	Motion Nos. 3259 3342 Index No. 656962/17 Case No. 2020-03015
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-against-

Betsy Harris, also known as Betsy Savage,  
and Tamara Harris, Individually and as  
Preliminary Executor of the Estate of Steven  
Harris, Deceased,  
Defendants-Respondents,

Andrew Lichtenstein and TJ Montana  
Enterprises, LLC,  
Defendants-Appellants.

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An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about April 30, 2020, and said appeal having been perfected,

And defendants-respondents having moved for an order striking plaintiffs-appellants' brief for referring to matters de hors the record, and adjourning the aforesaid appeal to a later term (M-3259),

And plaintiffs-appellants have cross-moved for an order imposing sanctions upon defendants-respondents and their counsel for frivolous conduct, as well as costs and reasonable attorneys' fees (M-3342),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

It is ordered that the motion to strike plaintiffs-appellants' brief is denied, without prejudice to defendants-respondents raising the within arguments directly on their appeal. The appeal is hereby adjourned to the February 2021 Term of this Court and the motion is otherwise denied (M-3259). The cross motion seeking sanctions and costs is denied (M-3342).

ENTERED: November 12, 2020

A handwritten signature in black ink, appearing to read "Susanna M. Rojas". The signature is fluid and cursive, with the first name "Susanna" and the last name "Rojas" clearly distinguishable.

Susanna Molina Rojas  
Clerk of the Court