

**Matter of the Application of Stephen Malone, Ian McKeever,
Colm McKeever, Christina Hansen, Paul McDaid & Adrian
Marrs v City of New York**

Motion No: 1365

Slip Opinion No: 2020 NYSlipOp 75197(U)

Decided on November 24, 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. David Friedman,
Judith J. Gische
Ellen Gesmer
Peter H. Moulton
Manuel J. Mendez,

Justice Presiding,

Justices.

In the Matter of the Application of
Stephen Malone, Ian McKeever, Colm
McKeever, Christina Hansen, Paul McDaid
and Adrian Marrs,
Petitioners-Appellants,

Motion No. **1365**
Index No. 151185/19
Case No. 2019-20949

For a Judgment Pursuant to Article 78 of the
Civil Law Practice and Rules,

-against-

The City of New York, et al. ,
Respondents-Respondents.

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 13, 2019, and said appeal having been perfected,

And petitioners-appellants having moved for an order: (a) striking from respondents' brief, as dehors the record: (i) the last paragraph of page 3, the first two paragraphs of page 4, and the accompanying footnote nos. 1-4; (ii) the first sentence of the first full paragraph on page 6, and the accompanying footnote no. 6; (iii) the third sentence of the first full paragraph on page 7, and the accompanying footnote no. 7; (iv) the third sentence of the first full paragraph on page 15, and accompanying footnote no. 11; and (v) the reference on page 31 to a "Jun 25, 2010 Hearing Tr."; (b) awarding costs; and (c) extending the time within which petitioners may file the reply brief to a date 14 days from the date that this Court enters an order on the instant application,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the February 2021 Term of this Court, with a filing deadline for petitioners' reply brief of January 15, 2021, and is otherwise denied.

ENTERED: November 24, 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" being the most prominent parts.

Susanna Molina Rojas
Clerk of the Court