

Steven Saporito v Roseann Branda

Motion No: 2022-03208

Slip Opinion No: 2022 NYSlipOp 72047(U)

Decided on September 20, 2022

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. Troy K. Webber,
Angela M. Mazzairelli
Lizbeth González
Saliann Scarpulla
Bahaati E. Pitt,

Justice Presiding,

Justices.

Steven Saporito,
Plaintiff-Appellant,

-against-

Motion No. 2022-03208
Index No. 155838/20
Case No. 2021-03724

Roseann Branda,
Defendant-Respondent.

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about July 14, 2021, and said appeal having been perfected,

And defendant-respondent having moved to strike from the record on appeal the document included at page 204 as de hors the record, to strike from appellant's brief all references to the subject document, and to award defendant the costs of this motion,

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 (i) striking the perfected appeal from this Court's calendar for the November 2022 Term, with leave to appellant to file a corrected appellant's brief for the January 2023 Term of this Court, which deletes all references to the de hors the record material at page 204 of the record on appeal, and (ii) permitting plaintiff to proceed upon the same record on appeal, with page 204 removed. The motion is otherwise denied.

ENTERED: September 20, 2022



Susanna Molina Rojas
Clerk of the Court