

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

4919Q
B/mv

DAVID S. RITTER, J.P.
DANIEL W. JOY
GABRIEL M. KRAUSMAN
GLORIA GOLDSTEIN, JJ.

1999-04460, 1999-04461

DECISION & ORDER ON MOTION

Montauk Friends of Olmsted Parks, Inc.,
appellant, v Brooklyn Historical Society, Inc.,
et al., respondents.

Motion by the appellant, on appeals from two orders of the Supreme Court, Suffolk County, dated April 16, 1999, and April 19, 1999, respectively, for reargument of a motion to waive the requirements of 22 NYCRR 670.10(g) regarding certification of the record on appeal, and cross motion by the respondents, *inter alia*, to dismiss the appeals pursuant to CPLR 321, which were determined by decision and order of this court dated October 27, 1999. Cross application by the respondents to impose a sanction and for an attorney's fee.

Upon the papers filed in support of the motion and cross application and the papers filed in opposition thereto, it is

ORDERED that the motion is denied, with \$100 costs; and it is further,

ORDERED that the cross application is denied.

RITTER, J.P., JOY, KRAUSMAN, and GOLDSTEIN, JJ., concur.

ENTER:

James Edward Pelzer
Clerk

February 15, 2000

MONTAUK FRIENDS OF OLMSTED PARKS, INC. v BROOKLYN
HISTORICAL SOCIETY, INC.