

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

M82333
E/sl

STEVEN W. FISHER, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON, JJ.

2008-04618

DECISION & ORDER ON MOTION

Presbytery of Hudson River of Presbyterian Church, etc., et al., appellants, v Trustees of First Presbyterian Church and Congregation of Ridgeberry, etc., et al., respondents.

(Index No. 05-6144)

Motion by the appellants to strike stated portions of the respondents' brief on an appeal from a judgment of the Supreme Court, Orange County, dated October 31, 2006, on the ground that it refers to matter de hors the record.

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

ORDERED that the motion is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof.

FISHER, J.P., COVELLO, ANGIOLILLO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 13, 2009

PRESBYTERY OF HUDSON RIVER OF PRESBYTERIAN CHURCH v TRUSTEES OF
FIRST PRESBYTERIAN CHURCH AND CONGREGATION OF RIDGEBERRY