

6
7-9-09

SUPREME COURT OF THE STATE OF NEW YORK - NEW YORK COUNTY

PRESENT: HON. JOAN B. LOBIS

PART 6

Justice

KETTANEH, NIZAM PETER

INDEX NO. 113227/08

Petitioner,

MOTION DATE 6/26/09

- v -

MOTION SEQ. NO. 002

BOARD OF STANDARDS & APPEALS

MOTION CAL. NO.

Respondents.

The following papers, numbered 1 to 7, were read on this motion for leave to file a further reply.

	<u>PAPERS NUMBERED</u>
Notice of Motion / Order to Show Cause – Affidavits – Exhibits _____	<u>1-3</u>
Answering Affidavits – Exhibits _____	<u>4-6, 7</u>
Replying Affidavits _____	

Cross-Motion: [] Yes [X] No

Upon the foregoing papers, it is ordered that this motion by petitioners for permission to file a further reply in the pending proceeding is denied.

Oral argument was held in the underlying Article 78 proceeding on March 31, 2009. This motion is subjudice. Petitioners submitted a voluminous set of papers in support of the proceeding, including thousands of pages of exhibits; the memoranda of law in support and in reply, alone, total over 150 pages. The papers to which petitioners now seek to respond were submitted by respondents in another case. It is wholly inappropriate for petitioners to seek to reply to those papers, which are not being considered by the court in this underlying application. No further submissions are necessary. A decision is forthcoming.

The motion is denied. This constitutes the decision and order of the court.

FILED
JUL 09 2009
COUNTY CLERK'S OFFICE
NEW YORK

Dated: 7/8/09

JB
JOAN B. LOBIS, J.S.C.

Check one: [] FINAL DISPOSITION [X] NON-FINAL DISPOSITION