

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

M71402
S/sl

STEVEN W. FISHER, J.P.
EDWARD D. CARNI
WILLIAM E. McCARTHY
ARIEL E. BELEN, JJ.

2008-03834, 2008-03917

DECISION & ORDER ON MOTION

In the Matter of Susan Wiley, respondent,
v Roger Dawson, appellant.

(Index No. F-3872-03)

On the court's own motion, it is

ORDERED that its decision and order on motion dated May 28, 2008, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by the appellant, inter alia, to stay enforcement of two orders of the Family Court, Kings County, dated May 26, 2006, and May 30, 2006, respectively, pending hearing and determination of appeals therefrom.

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

ORDERED that on the court's own motion, the appeals are dismissed, without costs or disbursements, on the ground that (1) *no appeal lies from the order dated May 30, 2006, until after objections are filed and reviewed by a Judge of the Family Court (see Family Ct Act § 439[e]) and (2) no appeal lies from the order dated May 26, 2006, until confirmed by a judge of the Family Court (see Family Ct Act § 439[a]); Matter of Roth v Bowman, 25 AD2d 521), and (3) on the ground the appeals are duplicative of appeals that were dismissed by a decision and order on motion of this court dated August 8, 2006, under Appellate Division Docket Nos. 2006-06389 and 2006-06390; and it is further,*

ORDERED that the motion is denied as academic.

FISHER, J.P., CARNI, McCARTHY and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 4, 2008

MATTER OF WILEY v DAWSON