

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

M71490
S/sl

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ROBERT A. SPOLZINO
PETER B. SKELOS, JJ.

2006-11242

ORDER TO SHOW CAUSE

In the Matter of Daniel Bryan, appellant,
v Catherine O'Connor, respondent.

(Docket No. U-336/88)


Appeal by Daniel Bryan from an order of the Family Court, Suffolk County, dated October 31, 2006. During the pendency of the appeal the respondent, Catherine O'Connor, died. The appeal has been held in abeyance pending substitution of a personal representative of the respondent. More than four months having elapsed since notice of the death was given to the court and no motion having been made to dismiss the appeal or to substitute a personal representative in the deceased party's stead, it is, on the court's own motion,

ORDERED that the parties to the appeal, or their attorneys, and the persons interested in the estate of the deceased party thereto show cause before this court pursuant to CPLR 1021, why an order should or should not be made pursuant to CPLR 1021 dismissing the appeal for failure to effect timely substitution by filing an affidavit or affirmation on that issue with the Clerk of this court on or before June 27, 2008; and it is further,

ORDERED that the clerk or his designee shall send a copy of this order to show cause to the attorneys for the respective parties and to the attorney who represented the deceased party, as presently set forth in the records of the court's case management database, by regular mail.

PRUDENTI, P.J., MASTRO, RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 9, 2008

MATTER OF BRYAN v O'CONNOR