

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

M76515
E/sl

WILLIAM F. MASTRO, J.P.
DANIEL D. ANGIOLILLO
EDWARD D. CARNI
RANDALL T. ENG, JJ.

2008-03921, 2008-03923

DECISION & ORDER ON MOTION

In the Matter of Mary Craig, respondent,
v Anthony Cosenza, appellant.

(Docket No. O-02999-07)

Motion by the appellant to recall and vacate a decision and order on motion of this court dated May 13, 2008, which dismissed appeals from two orders of the Family Court, Richmond County, both dated April 3, 2008, to the extent that the orders were entered upon the appellant's default in appearing at the hearing (*see* CPLR 5511; *James v Powell*, 19 NY2d 249), and to reinstate the appeals.

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

ORDERED that the motion is denied, on the ground that the order dated May 13, 2008, did not dismiss the appeals in their entirety.

MASTRO, J.P., ANGIOLILLO, CARNI and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 1, 2008

MATTER OF CRAIG v COSENZA