

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

M76830  
M/cb

FRED T. SANTUCCI, J.P.  
MARK C. DILLON  
THOMAS A. DICKERSON  
CHERYL E. CHAMBERS, JJ.

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2008-04986

DECISION & ORDER ON MOTION

In the Matter of Albert Francis B. (Anonymous).  
Westchester County Department of Social Services,  
petitioner-respondent; Melissa N. (Anonymous),  
et al., appellants.

(Docket Nos. N-15761-06, N-15897-06)

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Separate appeals by Melissa N. and Albert B. from an order of the Family Court, Westchester County, dated April 28, 2008. By order to show cause dated , 2008, the parties or their attorneys were directed to show cause why an order should or should not be made and entered dismissing the appeal by Albert B. in the above-entitled proceeding for failure to comply with a scheduling order dated June 23, 2008, issued pursuant to 22 NYCRR 670.4(a)(2).

Now on the court's own motion, and no papers having beenfiled in opposition or relation thereto, it is

ORDERED that the appeal by Albert B. is dismissed, without costs or disbursements, for failure to comply with a scheduling order dated June 23, 2008, issued pursuant to 22 NYCRR 670.4(a)(2).

SANTUCCI, J.P., DILLON, DICKERSON and CHAMBERS, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 6, 2008

MATTER OF B. (ANONYMOUS), ALBERT FRANCIS