

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

M76851
M/cb

STEVEN W. FISHER, J.P.
JOSEPH COVELLO
WILLIAM E. McCARTHY
JOHN M. LEVENTHAL, JJ.

2008-02500

DECISION & ORDER ON MOTION

In the Matter of Charlene Holness, respondent,
v John Ferdinand, appellant.

(Docket No. F-2324-06)


Appeal by John Ferdinand from an order of the Family Court, Queens County, dated February 21, 2008. By order to show cause dated September 12, 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 in the above-entitled proceeding for failure to comply with a scheduling order dated April 2, 2008, issued pursuant to 22 NYCRR 670.4(a)(2).

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

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

FISHER, J.P., COVELLO, McCARTHY and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 6, 2008

MATTER OF HOLNESS v FERDINAND