

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

M77181  
T/sl

STEVEN W. FISHER, J.P.  
HOWARD MILLER  
MARK C. DILLON  
RANDALL T. ENG, JJ.

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2007-04618, 2008-08455

DECISION & ORDER ON MOTION

In the Matter of Robert D. (Anonymous), appellant.

(Docket No. D-11632-06)

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Motion by Robert D. for leave to appeal to this court from an order of the Family Court, Kings County, dated May 30, 2008, to consolidate the appeal with an appeal from an order of the same court dated April 16, 2007, which is on this court's calendar of October 16, 2008 (Appellate Division Docket No. 2007-04618), and to remove the appeal pending under Appellate Division Docket No. 2007-04618 from the calendar of October 16, 2008.


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

ORDERED that the branch of the motion which is for leave to appeal to this court from the order dated May 30, 2008, is denied as unnecessary, as the order is appealable as of right (*see* Family Ct Act § 1112); and it is further,

ORDERED that the branch of the motion which is to consolidate the appeals is granted to the extent that the appeal from the order dated April 16, 2007, is removed from this court's calendar for October 16, 2008, that appeal shall be re-calendared with the appeal from the order dated May 30, 2008, and the appeals shall be argued or submitted on the same day, and that branch of the motion is otherwise denied.

FISHER, J.P., MILLER, DILLON and ENG, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 15, 2008

MATTER OF D. (ANONYMOUS), ROBERT