

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

M77353
S/sl

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2007-06602

DECISION & ORDER ON MOTION

In the Matter of Ashley R. (Anonymous).
Administration for Children's Services, respondent;
Lawrence H. (Anonymous), appellant.
(Proceeding No. 1)

In the Matter of Cody R. (Anonymous).
Administration for Children's Services, respondent;
Lawrence H. (Anonymous), appellant.
(Proceeding No. 2)

In the Matter of Jaqueline H. (Anonymous).
Administration for Children's Services, respondent;
Lawrence H. (Anonymous), appellant.
(Proceeding No. 3)

(Docket Nos. N-01852-05, N-01853-05,
N-01854-05)

Motion by the respondent to dismiss an appeal from an order of the Family Court, Richmond County, dated June 13, 2007, on the ground that it has been rendered academic. By decision and order on motion dated May 21, 2008, the motion was held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof. Application by the respondent to withdraw the motion.

Upon the papers filed in support of the application and no papers having been filed in opposition and in relation thereto, it is

October 20, 2008

MATTER OF R. (ANONYMOUS), ASHLEY

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ORDERED that the application is granted and the decision and order on motion dated May 21, 2008, is recalled and vacated, and the motion is deemed withdrawn.

MASTRO, J.P., SKELOS, BALKIN and LEVENTHAL, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court