

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

M77476

E/sl

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

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2008-05895

DECISION & ORDER ON MOTION

In the Matter of Pearlie Mae Gregory, respondent,  
v Belvin Gregory, Jr., appellant.

(Docket No. F-12266-07)

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Motion by the appellant to recall and vacate a decision and order on motion of this court dated September 24, 2008, which dismissed an appeal from an order of the Family Court, Nassau County, dated May 16, 2008, for failure to comply with a scheduling order dated July 2, 2008, issued pursuant to 22 NYCRR 670.4(a)(2), to reinstate the appeal, to stay enforcement of the order dated May 16, 2008, and to amend the caption.

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

ORDERED that the branches of the motion which are to recall and vacate the decision and order on motion dated September 24, 2008, and to reinstate the appeal are granted; and it is further,


ORDERED that the decision and order on motion of this court dated September 24, 2008, is recalled and vacated, and the appeal is reinstated; and it is further,

ORDERED that the motion is otherwise denied; and it is further,

ORDERED that the appeal shall be prosecuted expeditiously in accordance with any scheduling order or orders issued pursuant to § 670.4(a) of the rules of this court (22 NYCRR 670.4[a]).

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 22, 2008

MATTER OF GREGORY v GREGORY