

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

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M/cb

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2008-04082

DECISION & ORDER ON MOTION

In the Matter of James H. Hutchinson, appellant,  
v Deborah A. McClendon, respondent.

(Docket No. F-04328-03)

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Appeal by James H. Hutchinson from an order of the Family Court, Nassau County, dated October 1, 2007. By order to show cause dated September 8, 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 July 23, 2008, issued pursuant to 22 NYCRR 670.4(a)(2).

Now on the court's own motion, and the papers filed in opposition or relation thereto,  
it is

ORDERED that the appeal is dismissed, without costs or disbursements.

ENTER:



James Edward Pelzer  
Clerk of the Court

October 24, 2008

MATTER OF HUTCHINSON v McCLENDON