

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

M77758  
E/sl

ROBERT A. SPOLZINO, J.P.  
ANITA R. FLORIO  
WILLIAM E. McCARTHY  
THOMAS A. DICKERSON, JJ.

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2008-06753

DECISION & ORDER ON MOTION

In the Matter of Susan Alster, respondent,  
v Marc Alster, appellant.

(Docket No. F-1051-07)

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Appeal by Marc Alster from an order of the Family Court, Rockland County, dated June 12, 2008. By order to show cause dated September 18, 2008, the parties or their attorneys were directed to show cause before this court 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 August 1, 2008, issued pursuant to § 670.4(a)(2) of the rules of this court (22 NYCRR 670.4[a][2]).

Now, on the court's own motion, and no papers having been filed in response to the order to show cause, it is

ORDERED that the motion to dismiss the appeal is granted and the appeal is dismissed, without costs or disbursements.

SPOLZINO, J.P., FLORIO, McCARTHY and DICKERSON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

October 29, 2008

MATTER OF ALSTER v ALSTER