

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

M78879
E/cb

ROBERT A. SPOLZINO, J.P.
MARK C. DILLON
EDWARD D. CARNI
JOHN M. LEVENTHAL, JJ.

2008-08228

DECISION & ORDER ON MOTION

In the Matter of Margaret A. McKeown, a/k/a
Marge McKeown, deceased.
Thomas McKeown, appellant;
Mary McKeown Virga, et al., respondents.

(File No. 2239/03)

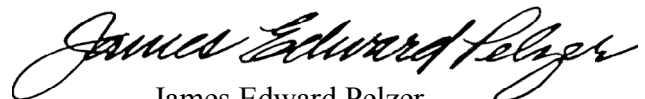
Motion by the respondent Mary McKeown Virga on appeals from a decree of the Surrogate's Court, Westchester County, entered August 25, 2008, to dismiss the appeal of Kevin McKeown on the ground that no appeal lies from a decree entered upon the default of the appealing party.

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

ORDERED that the motion is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof.

SPOLZINO, J.P., DILLON, CARNI and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 24, 2008

MATTER OF McKEOWN, DECEASED