

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

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REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
EDWARD D. CARNI
RANDALL T. ENG, JJ.

2008-08120

DECISION & ORDER ON MOTION

In the Matter of Marcus Gross, appellant,
v Sharon Fleming, respondent.

(Docket No. F-03354-08)

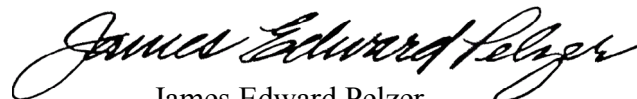
Appeal by Marcus Gross from an order of the Family Court, Dutchess County, dated July 29, 2008. By order to show cause dated October 30, 2008, the parties or their attorneys were directed to show cause why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding for failure to comply with a scheduling order dated September 16, 2008, issued pursuant to 22 NYCRR 670.4(a)(2).

Now on the court's own motion, and no papers having been filed in opposition or relation thereto, it is

ORDERED that the appeal is dismissed, without costs or disbursements, for failure to comply with a scheduling order dated September 16, 2008, issued pursuant to 22 NYCRR 670.4(a)(2).

RIVERA, J.P., ANGIOLILLO, CARNI and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 28, 2008

MATTER OF GROSS v FLEMING