

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

M79055
M/cb

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

2008-07155

DECISION & ORDER ON MOTION

Teresita Clair, respondent,
v Edward Clair, appellant.

(Index No. 29732/06)

Appeal by Edward Clair from a judgment of the Supreme Court, Suffolk County, entered July 10, 2008. By order to show cause dated October 30, 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 September 16, 2008, issued pursuant to 22 NYCRR 670.4(a)(2). Application by the appellant to withdraw the appeal.

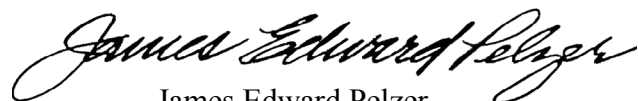
Now, on the court's own motion, and the papers filed in response to the order to show cause, it is

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

ORDERED that the application is granted, and the appeal is deemed withdrawn, without costs or disbursements.

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

ENTER:



James Edward Pelzer
Clerk of the Court

November 28, 2008

CLAIR v CLAIR