

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

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M/cb

STEVEN W. FISHER, J.P.  
ANITA R. FLORIO  
EDWARD D. CARNI  
CHERYL E. CHAMBERS, JJ.

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2008-08738

DECISION & ORDER ON MOTION

In the Matter of Jacqueline Grant, appellant,  
v Kenneth Foster, respondent.

(Docket No. F-94445-04)

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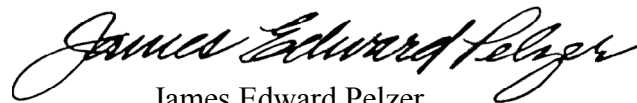
Appeal by Jacqueline Grant from an order of the Family Court, Suffolk County, dated August 15, 2008. By order to show cause dated November 10, 2008, the parties or their attorneys were directed to show cause why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding for failure to comply with a scheduling order dated September 26, 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, for failure to comply with a scheduling order dated September 26, 2008, issued pursuant to 22 NYCRR 670.4(a)(2).

FISHER, J.P., FLORIO, CARNI and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

December 2, 2008

MATTER OF GRANT v FOSTER