

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

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E/sl

PETER B. SKELOS, J.P.
MARK C. DILLON
WILLIAM E. McCARTHY
RANDALL T. ENG, JJ.

2008-08525

DECISION & ORDER ON MOTION

In the Matter of Heather Sacco, respondent,
v Stephen Paul Sacco, appellant.

(Docket No. F-02245-08)

Appeal by Stephen Paul Sacco from an order of the Family Court, Westchester County, dated August 4, 2008. By order to show cause dated November 19, 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 October 6, 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 the papers filed in response to the order to show cause, it is

ORDERED that the motion to dismiss the appeal is denied; and it is further,

ORDERED that the appellant's time to comply with the scheduling order dated October 6, 2008, is enlarged until December 30, 2008.

SKELOS, J.P., DILLON, McCARTHY and ENG, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

December 18, 2008

MATTER OF SACCO v SACCO