

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

M80063
E/sl

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

2008-08839

DECISION & ORDER ON MOTION

In the Matter of Kelly Kundmueller, appellant,
v Timothy Bruno, respondent.

(Docket No. F-06272-05)


Appeal by Kelly Kundmueller from an order of the Family Court, Suffolk County, dated August 7, 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 appeal is dismissed, without costs or disbursements, for failure to comply with the 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]).

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

ENTER:


James Edward Pelzer
Clerk of the Court

December 26, 2008

MATTER OF KUNDMUELLER v BRUNO