

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

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ROBERT A. SPOLZINO, J.P.
STEVEN W. FISHER
HOWARD MILLER
EDWARD D. CARNI, JJ.

2008-06861

DECISION & ORDER ON MOTION

In the Matter of James Secor, et al., appellants,
v Amy Melissa Acosta, etc., et al., respondents.

(Index No. 0155/07)

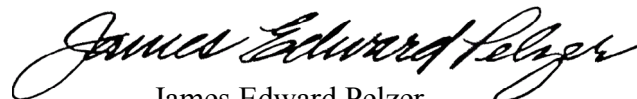
Appeal by James Secor and Anne Secor from an order of the Supreme Court, Dutchess County, dated July 3, 2008. By order to show cause dated November 19, 2008, the parties or their attorneys were directed to show cause why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding for failure to comply with a scheduling order dated July 29, 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 July 29, 2008, issued pursuant to 22 NYCRR 670.4(a)(2).

SPOLZINO, J.P., FISHER, MILLER and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 18, 2008

MATTER OF SECOR v ACOSTA