

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

M87048
E/sl

REINALDO E. RIVERA, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2008-11499

DECISION & ORDER ON MOTION

In the Matter of Delmar Moore, appellant,
v Charity Abban, respondent.

(Docket No. F-08432-05)

Motion by the appellant to recall and vacate a decision and order on motion of this court dated March 31, 2009, which dismissed an appeal from an order of the Family Court, Westchester County, dated October 31, 2008, for failure to comply with a scheduling order dated January 8, 2009, issued pursuant to § 670.4(a)(2) of the rules of this court (22 NYCRR 670.4[a][2]), and to reinstate the appeal.


Upon the papers filed in support of the motion and the papers filed in relation or opposition thereto, it is

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

ORDERED that the decision and order on motion of this court dated March 31, 2009, is recalled and vacated, and the appeal is reinstated.

RIVERA, J.P., BALKIN, LEVENTHAL and LOTT, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

May 22, 2009

MATTER OF MOORE v ABBAN