

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

M87209
E/sl

STEVEN W. FISHER, J.P.
MARK C. DILLON
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2009-00150

DECISION & ORDER ON MOTION

In the Matter of Barbara Ann Baumgarten,
appellant, v Sharenia Baumgarten, respondent.

(Docket Nos. V-19759-05, V-19770-05)

Motion by the appellant pro se for leave to prosecute an appeal from an order of the Family Court, Suffolk County, dated August 18, 2008, as a poor person, and for the assignment of counsel. By order to show cause dated April 9, 2009, 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 above-entitled appeal on the ground that the appeal is academic based on the provision of the order dated August 18, 2008, that the "status of visitation shall be reviewed on September 29, 2008," and the appellant's motion was held in abeyance in the interim.

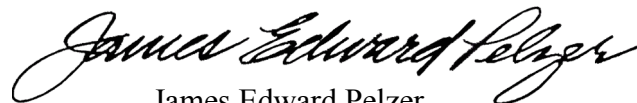
Upon the order to show cause and the papers filed in response thereto, and upon the papers filed in support of the appellant's motion and the papers filed in opposition thereto, it is

ORDERED that the motion to dismiss the appeal is granted and the appeal is dismissed, without costs or disbursements, on the ground that the appeal is academic based on the provision of the order dated August 18, 2008, that the "status of visitation shall be reviewed on September 29, 2008"; and it is further,

ORDERED that the appellant's motion is denied as academic.

FISHER, J.P., DILLON, COVELLO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 28, 2009

MATTER OF BAUMGARTEN v BAUMGARTEN