

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

M87447
M/cb

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
RANDALL T. ENG
L. PRISCILLA HALL, JJ.

2009-02394

DECISION & ORDER ON MOTION

Catharine Dayal, appellant,
v Vivek Dayal, respondent.

(Index No. 26793/08)

Appeal by Catharine Dayal from an order of the Supreme Court, Westchester County, dated January 29, 2009. By order to show cause dated April 28, 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 appeal in the above-entitled proceeding for failure to comply with a scheduling order dated March 18, 2009, issued pursuant to 22 NYCRR 670.4(a)(2). Application by the appellant to withdraw the appeal.

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 is denied; and it is further,

ORDERED that the application is granted, and the appeal is deemed withdrawn, without costs or disbursements.

MASTRO, J.P., FISHER, ENG and HALL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 4, 2009

DAYAL v DAYAL