

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

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MARK C. DILLON, J.P.
FRED T. SANTUCCI
JOSEPH COVELLO
JOHN M. LEVENTHAL, JJ.

2009-02288

DECISION & ORDER ON MOTION

In the Matter of Lynn F. Balgley, respondent,
v Robert J. Cohen, appellant.

(Docket No. V-04804-99)

Appeal by Robert J. Cohen from an order of the Family Court, Westchester County, dated February 17, 2009. By order to show cause dated May 12, 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 April 2, 2009, issued pursuant to 22 NYCRR 670.4(a)(2).

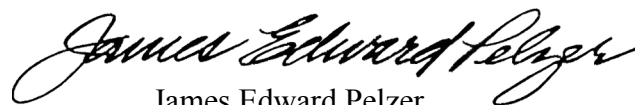
Now, on the court's own motion, and the papers filed in response to the order to show cause, it is

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

ORDERED that the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[d][2]) and by serving and filing the appellant's brief on the appeal is enlarged until July 14, 2009.

DILLON, J.P., SANTUCCI, COVELLO and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 4, 2009

MATTER OF BALGLEY v COHEN