

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

M88215  
E/sl

ROBERT A. SPOLZINO, J.P.  
DANIEL D. ANGIOLILLO  
CHERYL E. CHAMBERS  
PLUMMER E. LOTT, JJ.

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2009-02287

DECISION & ORDER ON MOTION

In the Matter of Lawrence Freedman,  
appellant, v Wendy Pogust, respondent.

(Docket No. F-10814-07)

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Appeal by Lawrence Freedman from an order of the Family Court, Westchester County, dated February 6, 2009. By order to show cause dated May 13, 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 § 670.4(a)(2) of the rules of this court (22 NYCRR 670.4[a][2]).

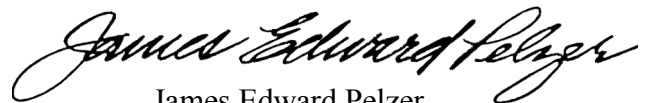
Upon the order to show cause, and the papers filed in response thereto, it is

ORDERED that the motion to dismiss the appeal is denied; and it is further,

ORDERED that on or before July 2, 2009, the appellant shall file with the Clerk of the court an affidavit or affirmation stating that the transcript has been ordered and paid for, the date thereof, and the date by which the transcript is expected.

SPOLZINO, J.P., ANGIOLILLO, CHAMBERS and LOTT, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 18, 2009

MATTER OF FREEDMAN v POGUST