

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

M88482
E/sl

MARK C. DILLON, J.P.
HOWARD MILLER
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2009-03088

DECISION & ORDER ON MOTION

In the Matter of Daniel Laroche, respondent,
v Rasheida Maharaj Ellis, appellant.

(Docket No. V-15268-96)

Appeal by Rasheida Maharaj Ellis from an order of the Family Court, Kings County, dated February 23, 2009. By order to show cause dated May 19, 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 9, 2009, issued pursuant to § 670.4(a)(2) of the rules of this court (22 NYCRR 670.4[a][2]). Application by the appellant to withdraw the appeal.

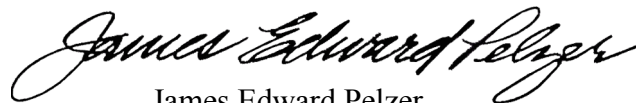
Now, on the court's own motion, and the papers filed in response to the order to show cause, and upon the application, it is

ORDERED that the application is granted and the appeal is deemed withdrawn, without costs or disbursements; and it is further,

ORDERED that the motion to dismiss the appeal is denied as academic.

DILLON, J.P., MILLER, LEVENTHAL and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 25, 2009

MATTER OF LAROCHE v ELLIS