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

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E/sl

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

2009-02725 DECISION & ORDER ON MOTION

In the Matter of Mary Rodriguez, respondent,
v Miguel Rodriguez, appellant.

(Docket No. F-1916-00)

Appeal by Miguel Rodriguez from an order of the Family Court, Suffolk County, dated February 17, 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]).

Now, on the court's own motion, and no papers having been filed in response to the order to show cause, it is

ORDERED that the appeal is dismissed, without costs or disbursements, for failure to comply with the 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]).

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

ENTER:

James Edward Pelzer
Clerk of the Court

June 25, 2009

MATTER OF RODRIQUEZ v RODRIGUEZ