

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

M88672  
M/cb

STEVEN W. FISHER, J.P.  
HOWARD MILLER  
DANIEL D. ANGIOLILLO  
L. PRISCILLA HALL, JJ.

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2009-01735

DECISION & ORDER ON MOTION

In the Matter of Xtacys M. (Anonymous).  
Little Flower Children's Services, petitioner-respondent;  
Gloria R. (Anonymous), et al., respondents;  
Michelle Noah, nonparty-appellant.  
(Proceeding No. 1)

In the Matter of Joseph Ernesto R.(Anonymous).  
Little Flower Children's Services, petitioner-respondent;  
Gloria R. (Anonymous), et al., respondents;  
Michelle Noah, nonparty-appellant.  
(Proceeding No. 2)

(Docket Nos. B-1908-05, B-1909-05)

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Appeal by the attorney for the children from an order of the Family Court, Kings County, dated October 24, 2008. By order to show cause dated June 8, 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 29, 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, including a representation that the minutes for the above-entitled appeal have been ordered, it is

ORDERED that the motion is denied.

FISHER, J.P., MILLER, ANGIOLILLO and HALL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 26, 2009

MATTER OF M. (ANONYMOUS), XTACYS