

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

M88697  
E/sl

STEVEN W. FISHER, J.P.  
ANITA R. FLORIO  
JOHN M. LEVENTHAL  
ARIEL E. BELEN, JJ.

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2007-03121

DECISION & ORDER ON MOTION

In the Matter of Elizabeth DeMichiel, appellant,  
v Stephen DeMichiel, respondent.  
(Proceeding No. 1)

In the Matter of Stephen DeMichiel, appellant,  
v Elizabeth DeMichiel, respondent.  
(Proceeding No. 2)

(Docket Nos. V-6144/06, V-6045/06, V-6146/06,  
V-10846/06, V-10847/06, V-10848/06)

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Motion by the attorney for the children to dismiss an appeal from an order of the Family Court, Westchester County, dated March 1, 2007, inter alia, on the ground that it has been rendered academic, and to enlarge the time to serve and file a brief.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is to dismiss the appeal is granted to the extent that the appeal from the provisions of the order pertaining to the child Alexandra is dismissed, without costs or disbursements, on the ground that the appeal with respect to those provisions were rendered academic when the child reached the age of majority (*see Matter of Winston Lloyd D. (Anonymous)*, 7 AD3d 706), and that branch of the motion is otherwise denied; and it is further,

June 26, 2009

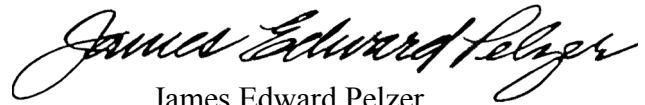
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ORDERED that the branch of the motion which is to enlarge the time to serve and file a brief is denied as unnecessary in light of the scheduling order of this court dated June 9, 2009, which enlarged the movant's time to serve and file a brief until June 30, 2009, and stated that no further enlargement of time shall be granted.

FISHER, J.P., FLORIO, LEVENTHAL and BELEN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court