

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

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WILLIAM F. MASTRO, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2009-04075

DECISION & ORDER ON MOTION

In the Matter of Leslie M. Carroll, appellant,
v Daniel M. Carroll, respondent.

(Docket No. V-035454-06)

Appeal by Leslie M. Carroll from an order of the Family Court, Dutchess County, dated January 27, 2009. By order to show cause dated June 16, 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 May 5, 2009, issued pursuant to 22 NYCRR 670.4(a)(2). Application by the appellant to withdraw the appeal.

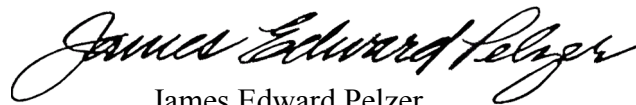
Now, on the court's own motion, and the papers filed in response to the order to show cause, it is

ORDERED that the motion is denied; and it is further,

ORDERED that the application is granted, and the appeal is dismissed as withdrawn, without costs or disbursements.

MASTRO, J.P., COVELLO, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 9, 2009

MATTER OF CARROLL v CARROLL