

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

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ANITA R. FLORIO, J.P.
HOWARD MILLER
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2009-04077

DECISION & ORDER ON MOTION

In the Matter of Shelley Jenkins, respondent,
v Milton Bailey, appellant.

(Docket No. F-12639-08)

Appeal by Milton Bailey from an order of the Family Court, Nassau County, dated March 18, 2009. By order to show cause dated July 9, 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 22, 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 verification that the appellant has ordered the transcripts, it is

ORDERED that the motion is denied.

FLORIO, J.P., MILLER, BALKIN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 14, 2009

MATTER OF JENKINS v BAILEY