

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

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E/sl

FRED T. SANTUCCI, J.P.
HOWARD MILLER
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2009-04949

DECISION & ORDER ON MOTION

Charles Lawrence Haggerty, respondent,
v Jacquelyne A. Haggerty, appellant.

(Index No. 07-3026)

Appeal by Jacquelyne A. Haggerty from a judgment of the Supreme Court, Westchester County, dated February 27, 2009. By order to show cause dated July 20, 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 June 8, 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 the papers filed in response to the order to show cause, it is

ORDERED that the motion to dismiss the appeal is denied; and it is further,

ORDERED that the appellant's time to move for leave to prosecute the appeal as a poor person and for the assignment of counsel is extended until September 14, 2009.

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

ENTER:



James Edward Pelzer
Clerk of the Court

August 26, 2009

HAGGERTY v HAGGERTY