

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

M91326
E/sl

STEVEN W. FISHER, J.P.
MARK C. DILLON
JOSEPH COVELLO
RANDALL T. ENG, JJ.

2009-04531

DECISION & ORDER ON MOTION

Alexander Ekstra, appellant,
v Melissa Ekstra, respondent.

(Index No. 05-22283)

Appeal by Alexander Ekstra, by permission, from an order of the Supreme Court, Westchester County, dated April 13, 2009. By order to show cause dated July 30, 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 22, 2009, issued pursuant to § 670.4(a)(2) of the rules of this court (22 NYCRR 670.4[a][2]).

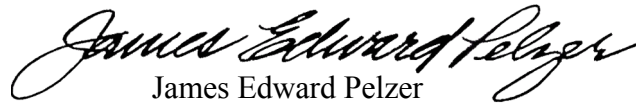
Now, on the court's own motion, and the papers filed in response to the order to show cause, it is

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

ORDERED that the appellant's time to comply with the scheduling order dated June 22, 2009, is extended until September 29, 2009.

FISHER, J.P., DILLON, COVELLO and ENG, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

August 27, 2009

EKSTRA v EKSTRA