

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

M91328
E/sl

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

2009-03815

DECISION & ORDER ON MOTION

In the Matter of Teresa DeCarlo, appellant,
v Eugene Cipolla, respondent.

(Docket No. F-26108/08)


Appeal by Teresa DeCarlo from an order of the Family Court, Kings County, dated February 17, 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 no papers having been filed in response to the order to show cause, it is

ORDERED that the appeal is dismissed, without costs or disbursements, for failure to comply with the 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]).

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

ENTER:


James Edward Pelzer
Clerk of the Court

August 27, 2009

MATTER OF DeCARLO v CIPOLLA