

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

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E/sl

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

2008-11455

DECISION & ORDER ON MOTION

In the Matter of Elijah A. (Anonymous).
Administration for Children's Services,
respondent; Claude A. (Anonymous), appellant.

(Docket No. N-11830-06)

Motion by the respondent to dismiss an appeal from an order of the Family Court, Kings County, dated November 13, 2008, on the ground that it has been rendered academic or, in effect, to enlarge its time to serve and file a brief. Cross motion by the attorney for the child, in effect, to enlarge the time to serve and file a brief.

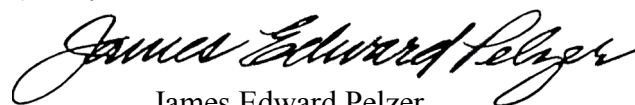
Upon the papers filed in support of the motion and the cross motion, the papers filed in opposition to the respondent's motion, and no papers having been filed in opposition or in relation to the motion by the attorney for the child, it is

ORDERED that the branch of the respondent's motion which is to dismiss the appeal on the ground that the appeal has been rendered academic is granted and the appeal is dismissed, without costs or disbursements; and it is further,

ORDERED that the branch of the respondent's motion which to enlarge its time to serve and file a brief and the motion of the attorney for the child to enlarge the time to serve and file a brief are denied as academic.

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

ENTER:



James Edward Pelzer
Clerk of the Court

August 27, 2009

MATTER OF A. (ANONYMOUS), ELIJAH