

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

M92320
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PETER B. SKELOS, J.P.
FRED T. SANTUCCI
ARIEL E. BELEN
L. PRISCILLA HALL, JJ.

2009-05984

DECISION & ORDER ON MOTION

In the Matter of Victor Franco, respondent,
v Alisa M. Franco, appellant.

(Docket No. O-70094-09)

Appeal by Alisa M. Franco from an order of the Family Court, Suffolk County, dated May 27, 2009. By order to show cause dated August 19, 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 July 6, 2009, issued pursuant to 22 NYCRR 670.4(a)(2). Application by the appellant to withdraw the appeal.

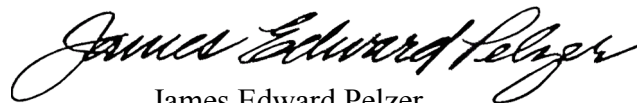
Now, on the court's own motion, and the papers filed in response to the order to show cause, it is

ORDERED that the motion is denied; and it is further,

ORDERED that the application is granted, and the appeal is deemed withdrawn, without costs or disbursements.

SKELOS, J.P., SANTUCCI, BELEN and HALL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 24, 2009

MATTER OF FRANCO v FRANCO