

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

M92385  
S/sl

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

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2009-08396

DECISION & ORDER ON MOTION

Seandra Small Jennings, respondent,  
v Maurice Jennings, appellant.

(Index No. 24694/05)

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Appeal by Maurice Jennings from a judgment of the Supreme Court, Kings County, dated September 17, 2008.

ORDERED that on the court's own motion the scheduling order of this court dated September 16, 2009, in the above-entitled appeal, is recalled and vacated; and it is further,

ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies from an order entered upon the default of the appealing party (*see* CPLR 5511).

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

ENTER:

  
James Edward Pelzer  
Clerk of the Court

September 24, 2009

JENNINGS v JENNINGS