

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

M92409
E/sl

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

2009-00476, 2009-00478

DECISION & ORDER ON

MOTION

In the Matter of Dakota B. (Anonymous).
Rockland County Department of Social Services,
respondent; Brigitta B. (Anonymous), appellant.

(Docket No. N-2289-07)

Motion by the respondent to dismiss appeals from two orders of the Family Court, Rockland County, both dated November 21, 2008, on the ground that the appellant's brief only raises issues relating to the order of protection and the appeal from that order has been rendered academic, or to enlarge the time to serve and file a brief. Application by the appellant to withdraw the appeal from the order of protection under Appellate Division Docket No. 2009-00476 and for leave to file a brief raising issues in connection with the appeal from the order of disposition under Appellate Division Docket No. 2009-00478.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the application is granted and the appeal from the order of protection under Appellate Division Docket No. 2009-00476 is deemed withdrawn, without costs or disbursements; and it is further,

ORDERED that the appellant's brief is stricken and on or before November 9, 2009, the appellant shall serve and file a replacement brief raising issues in connection with the appeal from the order of disposition under Appellate Division Docket No. 2009-00478; and it is further,

ORDERED that the branch of the motion which is to dismiss the appeal from the
September 24, 2009

Page 1.

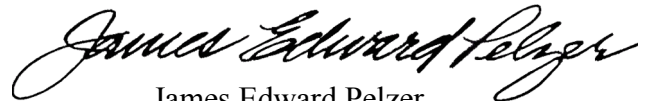
MATTER OF B. (ANONYMOUS), DAKOTA

order of protection under Appellate Division Docket No. 2009-00476 is denied as academic; and it is further,

ORDERED that the motion is otherwise denied.

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

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court