

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

M244058  
E/afa

L. PRISCILLA HALL, J.P.  
SANDRA L. SGROI  
JEFFREY A. COHEN  
FRANCESCA E. CONNOLLY, JJ.

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2017-09392

DECISION & ORDER ON MOTION

In the Matter of Laura J. Levay, respondent,  
v James E. Wolfe, appellant.

(Docket No. F-630-96/16H)

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Appeal by James E. Wolfe from an order of the Family Court, Suffolk County, dated August 10, 2017. By order to show cause dated November 17, 2017, the parties 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 September 29, 2017, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]).

Now, upon the order to show cause and no papers having been filed in response thereto, it is

ORDERED that the motion to dismiss the appeal is granted, and the appeal is dismissed, without costs or disbursements, for failure to comply with the scheduling order dated September 29, 2017, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]).

HALL, J.P., SGROI, COHEN and CONNOLLY, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

January 2, 2018

MATTER OF LEVAY v WOLFE