

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

M245294
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JOHN M. LEVENTHAL, J.P.
JEFFREY A. COHEN
JOSEPH J. MALTESE
BETSY BARROS, JJ.

2017-09860

DECISION & ORDER ON MOTION

In the Matter of Neil Gebaide, respondent,
v Susan McGoldrick, appellant.

(Docket No. F-23826-07/15E)

Appeal by Susan McGoldrick from an order of the Family Court, Queens County, dated August 8, 2017. By order to show cause dated November 9, 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 October 4, 2017, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]). Motion by the respondent to dismiss the appeal on the ground that the appeal is without merit, to impose a sanction upon the appellant, and for an award of costs.

Now, upon the order to show cause and no papers having been filed in response thereto, and upon the papers filed in support of the respondent's motion, and no papers having been filed in opposition or in relation 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 October 4, 2017, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]); and it is further,

ORDERED that the respondent's motion is denied.

LEVENTHAL, J.P., COHEN, MALTESE and BARROS, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

January 29, 2018

MATTER OF GEBaide v McGOLDRICK