

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

M246199
E/rr

CHERYL E. CHAMBERS, J.P.
JEFFREY A. COHEN
JOSEPH J. MALTESE
BETSY BARROS, JJ.

2017-07778

DECISION & ORDER ON MOTION

In the Matter of Rosaura Pena, respondent,
v Barry G. Shepherd, appellant.

(Docket No. F-20302-16)

Appeal by Barry G. Shepherd from an order of the Family Court, Kings County, dated June 14, 2017. By order to show cause dated January 10, 2018, 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 November 13, 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 the papers 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 November 13, 2017, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]).

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

ENTER:



Aprilanne Agostino
Clerk of the Court

February 16, 2018

MATTER OF PENA v SHEPHERD