

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

M246200  
E/rr

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

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2017-09913

DECISION & ORDER ON MOTION

In the Matter of Kym V. Marc, respondent,  
v Dabir A. Duvert, appellant.

(Docket Nos. F-11133-10/16C, F-11873-10/16H)

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Appeal by Dabir A. Duvert from an order of the Family Court, Richmond County, dated July 18, 2017. By order to show cause dated January 9, 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 proceedings 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 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 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 MARC v DUVERT