

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

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RUTH C. BALKIN, J.P.  
LEONARD B. AUSTIN  
SANDRA L. SGROI  
VALERIE BRATHWAITE NELSON, JJ.

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2017-08442

DECISION & ORDER ON MOTION

In the Matter of Tatiana Darieva, respondent,  
v Evgeny Dariev, appellant.

(Docket No. O-28577-16)

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Appeal by Evgeny Dariev from an order of the Family Court, Kings County, dated July 21, 2017. By order to show cause dated October 26, 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 6, 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 6, 2017, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]).

BALKIN, J.P., AUSTIN, SGROI and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

February 21, 2018

MATTER OF DARIEVA v DARIEV