

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

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ALAN D. SCHEINKMAN, P.J.  
JOHN M. LEVENTHAL  
JOSEPH J. MALTESE  
VALERIE BRATHWAITE NELSON, JJ.

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2017-03624

DECISION & ORDER ON MOTION

In the Matter of Tyquan Terry, respondent,  
v Elaysia Ortiz, appellant.

(Docket Nos. V-5760-16, V-5761-16)

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Appeal by Elaysia Ortiz from an order of the Family Court, Suffolk County, dated March 24, 2017. By order to show cause dated January 18, 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 decision and order on motion of this Court dated November 15, 2017, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]). Application by the appellant to withdraw the appeal.

Now, upon the order to show cause and the papers filed in response thereto, and upon the papers filed in support of the application and no papers having been filed in opposition or in relation thereto, it is it is

ORDERED that the motion to dismiss the appeal is denied; and it is further,

ORDERED that the application is granted and the appeal is deemed withdrawn, without costs or disbursements.

SCHEINKMAN, P.J., LEVENTHAL, MALTESE and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

February 27, 2018

MATTER OF TERRY v ORTIZ