

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

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RUTH C. BALKIN, J.P.  
SHERI S. ROMAN  
ROBERT J. MILLER  
VALERIE BRATHWAITE NELSON, JJ.

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2017-11687

DECISION & ORDER ON MOTION

In the Matter of Jose Franco, appellant,  
v Ana Santamaria, respondent.

(Docket No. V-29106-15)

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Appeal by Jose Franco from an order of the Family Court, Kings County, dated September 27, 2017. By order to show cause dated January 26, 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 29, 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 29, 2017, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]).

BALKIN, J.P., ROMAN, MILLER and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

March 9, 2018

MATTER OF FRANCO v SANTAMARIA