

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

M248508  
E/afa

MARK C. DILLON, J.P.  
SANDRA L. SGROI  
ROBERT J. MILLER  
VALERIE BRATHWAITE NELSON, JJ.

---

2017-07781

DECISION & ORDER ON MOTION

In the Matter of Francine Tarpey, respondent,  
v James A. Tarpey, appellant.

(Docket No. F-14737-16/16A)

---

Motion by the respondent to dismiss an appeal from an order of the Family Court, Suffolk County, dated June 26, 2017, inter alia, on the ground that the appeal has been rendered academic or to hold the appeal in abeyance pending determination of the motion. Application by the appellant pursuant to 22 NYCRR 670.8(d)(2) to enlarge the time to serve and file a reply brief.

Upon the papers filed in support of the motion and the papers filed in opposition 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

ORDERED that the branch of the motion which is to dismiss the appeal is held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof; and it is further,

ORDERED that the motion is otherwise denied; and it is further,

ORDERED that the application is granted, the appellant's time to serve and file a reply brief is enlarged until April 20, 2018, and the reply brief shall be served and filed on or before that date.

DILLON, J.P., SGROI, MILLER and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

April 9, 2018

MATTER OF TARPEY v TARPEY