

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

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E/afa

RUTH C. BALKIN, J.P.
BETSY BARROS
ANGELA G. IANNACCI
LINDA CHRISTOPHER, JJ.

2018-00589

DECISION & ORDER ON MOTION

In the Matter of Carol Tortoriello,
respondent, v Joseph Tortoriello, appellant.

(Docket No. F-51-16/17E)

Appeal by Joseph Tortoriello from an order of the Family Court, Westchester County, dated August 23, 2017. By order to show cause dated March 13, 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 January 26, 2018, 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 January 26, 2018, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]).

BALKIN, J.P., BARROS, IANNACCI and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 17, 2018

MATTER OF TORTORIELLO v TORTORIELLO