

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

M248944
E/sl

MARK C. DILLON, J.P.
JOHN M. LEVENTHAL
ROBERT J. MILLER
COLLEEN D. DUFFY, JJ.

2017-09918

DECISION & ORDER ON MOTION

In the Matter of Thomas B. Smith II,
respondent, v Keri Elizabeth McCarthy,
appellant.

(Docket No. F-5040-12/15A)

Appeal by Keri Elizabeth McCarthy from an order of the Family Court, Nassau County, dated July 24, 2017. By order to show cause dated March 16, 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 October 4, 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 the papers 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 October 4, 2017, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]).

DILLON, J.P., LEVENTHAL, MILLER and DUFFY, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 24, 2018

MATTER OF SMITH v McCARTHY