

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

M244050  
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L. PRISCILLA HALL, J.P.  
SANDRA L. SGROI  
JEFFREY A. COHEN  
FRANCESCA E. CONNOLLY, JJ.

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2017-07793

DECISION & ORDER ON MOTION

In the Matter of Maron J. Vaccarella, appellant,  
v Marcia Vaccarella, respondent.

(Docket Nos. V-4536-17/17B, O-8197-17/17E)

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Appeal by Maron J. Vaccarella from an order of the Family Court, Suffolk County, dated July 11, 2017. By order to show cause dated October 18, 2017, 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 scheduling order dated August 22, 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 denied; and it is further,

ORDERED that pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), within 30 days after the date of this decision and order on motion, the appellant shall file in the office of the Clerk of this Court one of the following:

- (1) an affidavit or affirmation stating that there are no minutes of the Family Court proceedings to be transcribed for the appeal; or
- (2) if there are such minutes, an affidavit or affirmation stating that the transcript has been received, and indicating the date that it was received; or
- (3) if the transcript has not been received, an affidavit or affirmation stating that it has been ordered and paid for, the date thereof, and the date by which the transcript is expected; or
- (4) an affidavit or an affirmation withdrawing the appeal; and it is further,

ORDERED that if the appellant fails to file the affidavit or affirmation within 30 days after the date of this decision and order on motion, as set forth above, the Court will dismiss the appeal, without further notice.

HALL, J.P., SGROI, COHEN and CONNOLLY, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino  
Clerk of the Court

The Case Manager assigned to this case is Ms. Vazquez. Please contact her at 718-722-6488 with any questions.