

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

M244443
E/rr

MARK C. DILLON, J.P.
JOHN M. LEVENTHAL
FRANCESCA E. CONNOLLY
VALERIE BRATHWAITE NELSON, JJ.

2017-09909, 2017-10079

DECISION & ORDER ON MOTION

In the Matter of Dominick Ippolito III,
appellant, v Marisa Uriarte, respondent.

(Docket No. F-2178-04/16U)

Appeals by Dominick Ippolito III from two orders of the Family Court, Richmond County, both dated August 10, 2017. By order to show cause dated November 29, 2017, the parties were directed to show cause before this Court why an order should or should not be made and entered dismissing the appeals 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 appeals is denied; and it is further,

ORDERED that pursuant to § 670.4(a)(2) of the rules of this Court (*see* 22 NYCRR 670.4[a][2]), 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 an affidavit or affirmation stating that the transcript has been received and indicating the date that it was received, or, 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; 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 appeals, without further notice.

DILLON, J.P., LEVENTHAL, CONNOLLY and BRATHWAITE NELSON, JJ., concur.

ENTER:

A handwritten signature in black ink, appearing to read "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court