

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

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SHERI S. ROMAN, J.P.
HECTOR D. LASALLE
FRANCESCA E. CONNOLLY
LINDA CHRISTOPHER, JJ.

2017-10621

DECISION & ORDER ON MOTION

In the Matter of Malgorzata Lengiewicz,
respondent, v Bogdan Lengiewicz, appellant.

(Docket No. O-8169-17)

Appeal by Bogdan Lengiewicz from an order of the Family Court, Suffolk County, dated September 11, 2017. By order to show cause dated December 26, 2017, the parties were directed to show cause before this Court why an order should or should not be made and entered relieving the attorney assigned by order on certification of this Court dated November 30, 2017, to perfect the appeal on behalf of the appellant on the ground that the attorney had been unable to contact the appellant, and dismissing the appeal.

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]), the appeal in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the appellant's assigned counsel of the transcripts of the minutes of the proceedings in the Family Court, and assigned counsel shall notify this Court by letter of the date the transcripts are received, or, if there are no minutes of proceedings to be transcribed, within 60 days of the date of this decision and order on motion; 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, assigned counsel 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 any Family Court proceeding 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 received; or

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(3) if the transcripts has not been received, an affidavit or affirmation stating that the order on certification of this Court dated November 30, 2017, has been served upon the clerk of the court from which the appeal is taken, 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 none of the above actions described in (1), (2), (3), or (4) above, has been taken within 30 days of the date of this scheduling order, the Clerk of this Court shall issue an order to all parties to the appeals to show cause why the appeal should or should not be dismissed.

ROMAN, J.P., LASALLE, CONNOLLY and CHRISTOPHER, 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