

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

M245571
E/rr

CHERYL E. CHAMBERS, J.P.
SYLVIA O. HINDS-RADIX
COLLEEN D. DUFFY
HECTOR D. LASALLE, JJ.

2017-10619, 2017-10620

DECISION & ORDER ON MOTION

In the Matter of Robert Aiello, respondent,
v Chantelle Chaffatt, appellant.

(Docket No. O-14267-15)

Appeals by Chantelle Chaffatt from two orders of the Family Court, Kings County, dated August 15, 2017, and August 16, 2017, respectively. By order to show cause dated November 3, 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 on the ground that no appeal lies from an order entered upon the default of the appealing party.

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 granted to the extent that the appeals are dismissed, without costs or disbursements, except for the portions of the orders which bring up for review the denial of the application to appear telephonically (*see* CPLR 5511; *James v Powell*, 19 NY2d 249, 256 n.3); and it is further,

ORDERED that pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), the appeals from the portions of the orders which bring up for review the denial of the application to appear telephonically in the above-entitled proceeding shall be perfected within 60 days after the receipt by the appellant of the transcripts of the minutes of the proceedings which occurred in the Family Court concerning that issue, and the appellant 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 scheduling order; 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 scheduling order, 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 appeals; 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

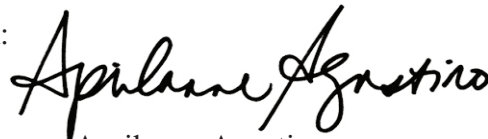
(3) if the transcript has not been received, an affidavit or affirmation stating that it has been ordered and paid for, the date thereof and the date by which the transcript is expected; or

(4) an affidavit or an affirmation withdrawing the appeals; and it is further,

ORDERED that if none of the 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 appeals should or should not be dismissed.

CHAMBERS, J.P., HINDS-RADIX, DUFFY and LASALLE, JJ., concur.

ENTER:



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.