

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

M245613
E/afa

2017-09822, 2017-09823, 2017-10982

ORDER TO SHOW CAUSE

In the Matter of Eliyahu C. Poltorak, respondent-appellant, v Bella Poltorak, appellant-respondent.
(Proceeding No. 1)

In the Matter of Bella Poltorak, appellant, v Eliyahu C. Poltorak, respondent.
(Proceeding No. 2)

(Docket Nos. V-12527-17, V-12526-17, V-12525-17, V-24393-17, V-26509-17)

Appeals by Bella Poltorak from three orders of the Family Court, Kings County, dated September 19, 2017, September 20, 2017, and October 11, 2017, respectively, and cross appeal by Eliyahu C. Poltorak from the order dated September 20, 2017. By decision and order on motion of this Court dated December 12, 2017, the respondent-appellant was directed to file one of the following in the office of the Clerk of this Court, within 30 days after the date of the order:

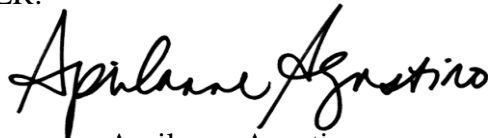
- (1) an affidavit or affirmation stating that there were no minutes of the Family Court proceedings to be transcribed for the cross appeal; or
- (2) if there were such minutes, an affidavit or affirmation that the transcript was received, and indicating the date that it was received; or
- (3) if the transcript was not received, an affidavit or affirmation stating that it was ordered and paid for, the date thereof and the date by which the transcript was expected; or
- (4) if the respondent-appellant was indigent and could not afford to obtain the minutes or perfect the cross appeal, a motion in this Court for leave to prosecute the cross appeal as a poor person and for the assignment of counsel, pursuant to the requirements of CPLR 1101; or
- (5) an affidavit or an affirmation withdrawing the cross appeal.

The respondent-appellant has failed to comply with the decision and order on motion of this Court dated December 12, 2017. Pursuant to § 670.4(a)(5) of the rules of this Court (22 NYCRR 670.4[a][5]), it is

ORDERED that the parties are directed to show cause before this Court why an order should or should not be made and entered dismissing the cross appeal in the above-entitled proceedings for failure to comply with the decision and order on motion of this Court dated December 12, 2017, by each filing an affirmation or affidavit on that issue in the office of the Clerk of this Court and serving one copy of the same on each other on or before February 23, 2018; and it is further,

ORDERED that the Clerk of this Court, or her designee, is directed to serve a copy of this order to show cause upon the parties by regular mail.

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