

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

M246498  
E/afa

ALAN D. SCHEINKMAN, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
MARK C. DILLON  
RUTH C. BALKIN, JJ.

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2018-01517, 2018-01521

DECISION & ORDER ON MOTION

In the Matter of Eligio Turcios, respondent,  
v Elizabeth Cordero, appellant.  
(Proceeding No. 1)

In the Matter of Elizabeth Cordero, appellant,  
v Eligio Turcios, respondent.  
(Proceeding No. 2)

(Docket Nos. V-5365-16, V-120-17)

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Appeals by Elizabeth Cordero from an order and a decision of the Family Court, Orange County, both dated January 16, 2018.

On the Court's own motion, it is

ORDERED that the appeal from the decision is dismissed, without costs or disbursements, on the ground that no appeal lies from a decision (*see Schicchi v J.A. Green Constr. Co.*, 100 AD2d 509); and it is further,

ORDERED that pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), the appeal from the order in the above-entitled proceedings shall be perfected within 60 days after the receipt by the appellant of the transcripts of the minutes of the proceedings in the Family Court, 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 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, the appellant shall file in the office of the Clerk of this Court one of the following:

February 23, 2018

Page 1.

MATTER OF TURCIOS v CORDERO

(1) an affidavit or affirmation stating that there are no minutes of the Family Court proceedings to be transcribed for the appeal from the order; or

(2) if there are such minutes, an affidavit or affirmation 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) if the appellant is indigent and cannot afford to obtain the minutes or perfect the appeal from the order, a motion in this Court for leave to prosecute the appeal from the order as a poor person and for the assignment of counsel, pursuant to the requirements of CPLR 1101. Such a motion must be supported by an affidavit from the appellant, stating either that she qualified for assigned counsel upon application to the Family Court and that her financial status has not changed since that time, or that she had retained counsel or appeared pro se in the Family Court, and listing her assets and income; or

(5) an affidavit or an affirmation withdrawing the appeal from the order; and it is further,

ORDERED that if none of the actions described in (1), (2), (3), (4), or (5) above has been taken within 30 days of the date of this decision and order on motion, the Clerk of this Court shall issue an order to all parties to the appeal from the order to show cause why the appeal from the order should or should not be dismissed.

SCHEINKMAN, P.J., MASTRO, RIVERA, DILLON and BALKIN, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

The Case Manager assigned to this case is Mr. Rose. Please contact him at 718-722-6487 with any questions.