

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

M247338
HU/

2018-00589

ORDER TO SHOW CAUSE

In the Matter of Carol Tortoriello,
respondent, v Joseph Tortoriello, appellant.

(Docket No. F-51-16/17E)

Appeal by Joseph Tortoriello from an order of the Family Court, Westchester County, dated August 23, 2017. By scheduling order dated January 26, 2018, the 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 scheduling order:

- (1) an affidavit or affirmation stating that there were no minutes of the Family Court proceedings to be transcribed for the appeal; or
- (2) if there were such minutes, an affidavit or affirmation stating 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) an affidavit or an affirmation withdrawing the appeal.

The appellant has failed to comply with the scheduling order. 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 appeal in the above-entitled proceeding for failure to comply with the scheduling order dated January 26, 2018, 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 April 4, 2018; and it is further,

March 13, 2018

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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

The Case Manager assigned to this case is Ms. Vazquez. Please contact her at 718-722-6488 with any questions.