

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

M247751
E/afa

WILLIAM F. MASTRO, J.P.
JEFFREY A. COHEN
FRANCESCA E. CONNOLLY
VALERIE BRATHWAITE NELSON, JJ.

2017-07793

DECISION & ORDER ON MOTION

In the Matter of Maron J. Vaccarella, appellant,
v Marcia Vaccarella, respondent.

(Docket Nos. V-4536-17/17B, O-8197-17/17E)

Motion by the appellant for leave to prosecute an appeal from an order of the Family Court, Suffolk County, dated July 11, 2017, as a poor person and for the assignment of counsel.

Upon the papers filed in support of the motion and the papers filed in relation thereto, it is

ORDERED that the motion is denied, with leave to renew on or before April 20, 2018, upon proper papers, including the appellant's affidavit setting forth the appellant's full financial situation including all assets, such as the equity of any real property owned by him, as well as any and all sources of income; and it is further,

ORDERED that pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), on or before April 20, 2018, 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 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 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

March 21, 2018

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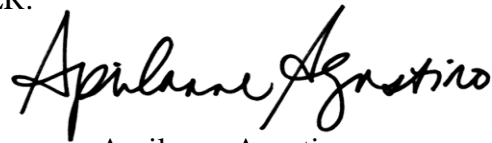
(4) if the appellant is indigent and cannot afford to obtain the minutes or perfect the appeal, a motion in this Court for leave to prosecute the appeal as a poor person and for the assignment of counsel, as set forth above; or

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

ORDERED that if none of the actions described in (1), (2), (3), (4), or (5), above, has been taken on or before on or before April 20, 2018, the Court will dismiss the appeal, without further notice.

MASTRO, J.P., COHEN, CONNOLLY and BRATHWAITE NELSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court