

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

M247847
E/afa

JOHN M. LEVENTHAL, J.P.
ROBERT J. MILLER
HECTOR D. LASALLE
VALERIE BRATHWAITE NELSON, JJ.

2017-12709

DECISION & ORDER ON MOTION

Dina Cappa Vihinen, appellant,
v Eric James Vihinen, respondent.

(Index No. 6646/11)

Appeal by Dina Cappa Vihinen from an amended judgment of the Supreme Court, Orange County, dated October 3, 2017. By order to show cause dated February 9, 2018, the parties were 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 action for failure to comply with a scheduling order dated December 22, 2017, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]).

Now, upon the order to show cause and the papers filed in response thereto, it is

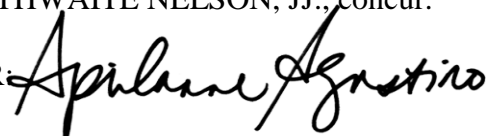
ORDERED that the motion to dismiss the appeal is denied; and it is further,

ORDERED that 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 an affidavit or affirmation stating that the transcript has been received and indicating the date that it was received, or, 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; and it is further,

ORDERED that if the appellant fails to file the affidavit or affirmation within 30 days after the date of this decision and order on motion, the Court will dismiss the appeal, without further notice.

LEVENTHAL, J.P., MILLER, LASALLE and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 22, 2018

VIHINEN v VIHINEN