

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

M247894
E/afa

2018-03194

SCHEDULING ORDER

In the Matter of Fernando Seoane, respondent-appellant, v Martha Nunez, appellant-respondent, Juan Nunez, respondent.

(Docket Nos. V-29341-08, V-19966-11;
V-13206-15; O-22682-14)

Appeal by Martha Nunez, and cross appeal by Fernando Seoane, from an order of the Family Court, Kings County, dated February 16, 2018. Pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), it is

ORDERED that Fernando Seoane shall perfect the cross appeal in the above-entitled proceedings within 60 days after the receipt of the transcripts of the minutes of the proceedings in the Family Court, and 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 scheduling order; and it is further,

ORDERED that within 30 days after the date of this scheduling order, Fernando Seoane 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 proceedings to be transcribed for the appeal and cross 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
- (4) if he is indigent and cannot 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. Such a motion must be supported by an affidavit from Fernando Seoane, stating either that

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he qualified for assigned counsel upon application to the Family Court and that his financial status has not changed since that time, or that he had retained counsel or appeared pro se in the Family Court, and listing his assets and income; or

(5) an affidavit or an affirmation withdrawing the cross appeal; 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 scheduling order, the Clerk of this Court shall issue an order to all parties to the appeal and cross appeal to show cause why the cross appeal should or should not be dismissed.

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.