

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

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2018-03230

SCHEDULING ORDER

In the Matter of Williamae Frye, appellant-respondent,  
v Ryan Lowery, respondent-appellant, et al., respondent.

(Docket No. V-1286-17)

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Appeal by Williamae Frye, and cross appeal by Ryan Lowery, from an order of the Family Court, Dutchess County, dated March 12, 2018. Pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), it is

ORDERED that Williamae Frye shall perfect the appeal in the above-entitled proceeding 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, Williamae Frye 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 she 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, pursuant to the requirements of CPLR 1101. Such a motion must be supported by an affidavit from Williamae Frye, 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; 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 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 Mr. Rose. Please contact him at 718-722-6487 with any questions.