

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

M248822
E/rr

MARK C. DILLON, J.P.
LEONARD B. AUSTIN
ROBERT J. MILLER
SYLVIA O. HINDS-RADIX, JJ.

2017-07317

DECISION & ORDER ON MOTION

In the Matter of Riyanna N. F. (Anonymous),
also known as Riyanna F. (Anonymous).
Forestdale, Inc., petitioner-respondent;
Crystal M. S. (Anonymous), respondent-appellant,
et al., respondent.

(Docket No. B-8156-16)

Motion by the respondent-appellant for a reconstruction hearing with respect to the proceedings which occurred on December 22, 2016, on an appeal from an order of the Family Court, Queens County, dated May 30, 2017, and, in effect, to extend the time to comply with a scheduling order of this Court dated November 13, 2017, or, in the alternative, for a new trial. By decision and order on motion of this Court dated January 26, 2018, the branch of the motion which is for a reconstruction hearing was granted and the motion was otherwise held in abeyance in the interim. The Family Court, Queens County, conducted the reconstruction hearing on March 19, 2018.

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

ORDERED that the branch of the motion which is for a new trial is denied; and it is
further,

ORDERED that the branch of the motion which is, in effect, to extend the time to comply with the scheduling order of this Court dated November 13, 2017, is granted and pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), 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 one of the following:

(1) an affidavit or affirmation stating that there are no minutes of any Family Court proceeding to be transcribed for the appeal; or

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(2) if there are such minutes, an affidavit or affirmation that the transcripts have been received, and indicating the date received; or

(3) if the transcripts have 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) an affidavit or an affirmation withdrawing the appeal; and it is further,

ORDERED that if none of the above actions described in (1), (2), (3), or (4) above, has been taken within 30 days of the date of this decision and order on motion, the Clerk of this Court shall issue an order to all parties to the appeal to show cause why the appeal should or should not be dismissed.

DILLON, J.P., AUSTIN, MILLER and HINDS-RADIX, JJ., concur.

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