

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

M249059
/rr

2018-02047

SCHEDULING ORDER

In the Matter of Abigail Cruz-Desiena, respondent,
v James M. Desiena, appellant.

(Docket Nos. O-6173-16, O-6173-16/17A,
O-6173-16/17B)

Appeal by James M. Desiena from an order of the Family Court, Dutchess County, dated January 24, 2018.

By decision and order on certification of this Court dated March 23, 2018, the following attorney was assigned as counsel for the appellant on the appeal:

Joseph Petito
2 Austin Court
Poughkeepsie, NY 12603
845-454-5586

By letter dated April 10, 2018, the assigned counsel has informed this Court that the appellant wishes to proceed with the appeal. Pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), it is

ORDERED that the appeal in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the assigned counsel of the transcripts of the minutes of the proceedings in the Family Court, and the assigned counsel 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, the assigned counsel 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

April 24, 2018

Page 1.

MATTER OF CRUZ-DESIENA v DESIENA

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

(3) if the transcripts has not been received, an affidavit or affirmation stating that the order on certification of this Court dated March 23, 2018, has been served upon the clerk of the court from which the appeal is taken, 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 scheduling order, 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.

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.