

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

M71397
M/cb

REINALDO E. RIVERA, J.P.
STEVEN W. FISHER
ROBERT A. LIFSON
MARK C. DILLON, JJ.

2008-01900

DECISION & ORDER ON MOTION

In the Matter of Justin R. (Anonymous).
Westchester County Department of Social Services,
petitioner-respondent; Jerry P. (Anonymous),
appellant, et al., respondent.

(Docket Nos. N-4099-07, N-4101-07)

Appeal by Jerry P. from an order of the Family Court, Westchester County, dated January 22, 2008. By order to show cause dated April 30, 2008, the parties or their attorneys were directed to show cause before this court why an order should or should not be made and entered relieving the attorney assigned to the appellant by order on certification dated March 18, 2008, as amended March 21, 2008, on the ground that the attorney has been unable to contact the appellant, and dismissing the appeal. Assigned counsel has submitted a letter dated May 19, 2008, in which she indicates that the appellant has contacted her and is interested in pursuing the appeal.

Now, on the court's own motion, and the papers filed in response to the order to show cause, it is

ORDERED that the motion is denied; and it is further ,

ORDERED 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, in cases where 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 20 days after the date of this scheduling order, the assigned

June 4, 2008

MATTER OF R. (ANONYMOUS), JUSTIN

Page 1.

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
- (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 the order of this court dated March 18, 2008, as amended March 21, 2008, has been served upon the clerk of the court from which the appeal is taken, the date thereof, and the date by which the transcripts are 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 20 days of the date of this scheduling order, the Clerk of the court shall issue an order to all parties to the appeal to show cause why the appeal should or should not be dismissed.

RIVERA, J.P., FISHER, LIFSON and DILLON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

The Case Manager assigned to this case is Ms. Vazquez. Please contact her at 718-722-6488 with any questions.