

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

M76840
M/cb

2008-07242

ORDER TO SHOW CAUSE

In the Matter of James R. Yasus, appellant-respondent, v Dana E. Yasus, respondent-appellant; Adrienne Flipse Hausch, nonparty-appellant.
(Proceeding No. 1)

In the Matter of Dana E. Yasus, respondent-appellant, v James R. Yasus, appellant-respondent, Adrienne Flipse Hausch, nonparty-appellant.
(Proceeding No. 2)

(Docket Nos. V-2210-06, V-2211-06)

Appeal by the father James K. Yasus, cross appeal by the mother, Dana E. Yasus, and separate appeal by the attorney for the child from an order of the Family Court, Nassau County, dated June 23, 2008. By scheduling order dated August 15, 2008, the appellant was directed to file one of the following in the office of the clerk of the court, within 30 days after the date of the scheduling order:

- (1) an affidavit or affirmation stating that there are no minutes of the Family Court proceeding to be transcribed for the appeal; or
- (2) if there are such minutes, an affidavit or affirmation 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 the appellant-respondent or the respondent-appellant is indigent and cannot afford to obtain the minutes or perfect the appeal, a motion in this court for leave to

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

(5) an affidavit or an affirmation withdrawing the appeal and/or cross appeal; and it is further,

The appellant-respondent James R. Yasus has failed to comply with the scheduling order. Pursuant to § 670.4(a)(5) of the rules of this court (22 NYCRR 670.4[a][5]), it is

ORDERED that the parties or their attorneys are directed to show cause before this court why an order should or should not be made and entered dismissing the appeal by James R. Yasus in the above-entitled proceeding for failure to comply with the scheduling order dated August 15, 2008, by each filing an affirmation or affidavit on that issue in the office of the Clerk of this court and serving one copy of the same on each other on or before October 20, 2008; and it is further,

ORDERED that the Clerk of this court, or his designee, is directed to serve a copy of this order to show cause upon the parties or their attorneys by regular mail.

ENTER:



James Edward Pelzer
Clerk of the Court