

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

M77002
M/cb

2008-04408

SCHEDULING ORDER

In the Matter of Arthur C. (Anonymous).
St. Dominic's Home, et al., respondents;
Jessie S. C. (Anonymous), et al., appellants.

(Docket No. B-19646-06)

Separate appeals by Jessie S. C. and Herby C. from an order of the Family Court, Kings County, dated March 19, 2008. By order on certification of this court dated August 11, 2008, the following attorney was assigned as counsel for the appellant Herby C.:

Helene Bernstein, Esq.
44 Court Street, Suite 905
Brooklyn, N.Y. 11201
718-797-1012

By letter dated September 24, 2008, the assigned counsel for the appellant Herby C. has informed this court that the appellant Herby C. 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 for the appellant Herby C. of the transcripts of the minutes of the proceedings in the Family Court, and the assigned counsel for the appellant Herby C. 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 counsel for the appellant Herby C. shall file in the office of the Clerk of this court one of the following:

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

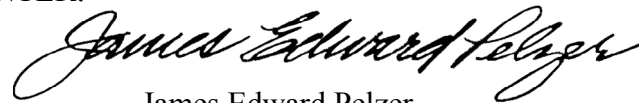
(2) if there are such minutes, an affidavit or affirmation that the transcripts have been received, and indicating the date received; or

(3) if the transcripts have not been received, an affidavit or affirmation stating that the order of this court dated August 11 , 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 by the appellant Herby C.; 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 by Herby C. should or should not be dismissed.

ENTER:



James Edward Pelzer
Clerk of the Court

The Case Manager assigned to this case is Mr. Rose. Please contact him at 718-722-6487 with any questions.