

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

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M/cb

2008-07977, 2008-07978

ORDER TO SHOW CAUSE

In the Matter of Maria Cabral, respondent,
v Francisco R. Cabral, appellant.
(Appeal No. 1)

In the Matter of Maria Trusa, respondent,
v Francisco R. Cabral, appellant.
(Appeal No. 2)

(Docket No. F-04958-06)

Appeals by Francisco R. Cabral from two orders of the Family Court, Westchester County, dated April 26, 2007, and July 22, 2008, respectively. By scheduling order dated September 16, 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 were no minutes of the Family Court proceedings to be transcribed for the appeals; or
- (2) if there were such minutes, an affidavit or affirmation that the transcripts were received, and indicating the date received; or
- (3) if the transcripts were not received, an affidavit or affirmation stating that they were ordered and paid for, the date thereof and the date by which the transcripts were expected; or
- (4) an affidavit or an affirmation withdrawing the appeals.

The appellant 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

October 30, 2008


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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 appeals in the above-entitled proceeding for failure to comply with the scheduling order dated September 16, 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 November 19, 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