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

M79187
M/cb

2008-09318

SCHEDULING

ORDER

In the Matter of Rosa M. Pena, respondent,
v Pedro Pena, appellant.

(Docket Nos. V-02024-07, V-01026-07)

Appeal by Pedro Pena from an order of the Supreme Court, Kings County (IDV part), dated September 9, 2008. By decision and order on motion of this court dated November 26, 2008, the following attorney was assigned as counsel on the appeal pursuant to Family Court Act §§ 262 and 1120 and Judiciary Law § 35:

Zvi Ostrin, Esq.
130 7th Avenue - Suite 206
New York, New York 10011
(917) 579-1371

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 Supreme 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 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 Supreme 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 November 26, 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 30 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.

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.