

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

M86835
M/cb

2009-01647

SCHEDULING ORDER

In the Matter of Tracy Jon McDonough,
appellant-respondent, v Denise Ortega
McDonough, respondent-appellant.

(Docket Nos. V-11669-08, V-11670-08)

Appeal and cross appeal from an order of the Family Court, Suffolk County, dated January 21, 2009. By order on certification of this court dated May 4, 2009, the following attorney was assigned as counsel for the appellant-respondent Tracy Jon McDonough on the appeal:

Arza R. Feldman, Esq.
626 Reckson Plaza
West Tower - 6th Floor
Uniondale, N.Y. 11556
516-522-2828

By letter dated May 20, 2009, the assigned counsel for appellant-respondent Tracy Jon McDonough has informed this court that Tracy Jon McDonough 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 by Tracy Jon McDonough in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the assigned counsel for Tracy Jon McDonough of the transcripts of the minutes of the proceedings in the Family Court, and the assigned counsel for Tracy Jon McDonough 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 for Tracy Jon McDonough shall file in the office of the Clerk of this court one of the following:

June 29, 2009

MATTER OF McDONOUGH v McDONOUGH

Page 1.

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

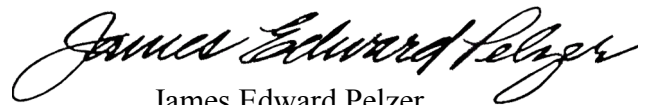
(2) if there are such minutes, an affidavit or affirmation that the transcripts have been received, and indicating the date received; or

(3) if the transcripts have not been received, an affidavit or affirmation stating that the order of this court dated May 4, 2009, 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 Tracy Jon McDonough; 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 by Tracy Jon McDonough should or should not be dismissed.

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.