

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

M88355  
M/cb

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2009-05525

SCHEDULING

ORDER

In the Matter of John W. Murphy, appellant,  
v Lisa M. Diem, a/k/a Lisa Murphy, respondent.

(Index No. 20843-06)

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Appeal by John W. Murphy from an order of the Supreme Court, Suffolk County, dated April 17, 2009. 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 action shall be perfected within 60 days after the appellant receives the transcripts of the minutes of the action in the Supreme Court, and the appellant shall notify this court by letter of the date the transcripts are received. In cases where there are no minutes to be transcribed, the appeal in the above-entitled action shall be perfected 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 appellant 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 in the Supreme Court action 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) an affidavit or an affirmation withdrawing the appeal; and it is further,

June 22, 2009

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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:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

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.