

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

M89085
M/cb

2009-04077

ORDER TO SHOW CAUSE

In the Matter of Shelley Jenkins, respondent,
v Milton Bailey, appellant.

(Docket No. F-12639-08)

Appeal by Milton Bailey from an order of the Family Court, Nassau County, dated March 18, 2009. By scheduling order dated May 22, 2009, 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 appeal; or
- (2) if there were such minutes, an affidavit or affirmation that the transcript was received, and indicating the date that it was received; or
- (3) if the transcript was not received, an affidavit or affirmation stating that it was ordered and paid for, the date thereof and the date by which the transcript was expected; or
- (4) an affidavit or an affirmation withdrawing the appeal.

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

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 appeal in the above-entitled proceeding for failure to comply with the scheduling order dated May 22, 2009, 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 July 24, 2009; and it is further,

July 9, 2009

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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:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court