

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

M89586
M/cb

2009-04921

SCHEDULING ORDER

In the Matter of Donald K. Sellers, Sr., appellant,
v Debra Sellers-Boykin, respondent.

(Docket No. O-02591-09)

Appeal by Donald K. Sellers, Sr., from an order of the Family Court, Suffolk County, dated May 18, 2009. By order on certification of this court dated June 24, 2009, the following attorney was assigned as counsel for the appellant on the appeal:

Robert C. Mitchell, Esq.
John P. Cohalan, Jr., Court Complex
Family Court Bureau
400 Carleton Avenue
P.O. Box 9082
Central Islip, New York 11722-9082
631-853-4343

By letter dated July 10, 2009, the assigned counsel has informed this court that the appellant 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 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 Family 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,

July 20, 2009

MATTER OF SELLERS v SELLERS-BOYKIN

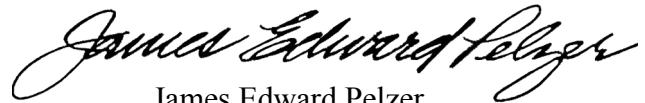
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ORDERED that within 30 days after the date of this scheduling order, the assigned counsel shall file in the office of the Clerk of this court one of the following:

- (1) an affidavit or affirmation stating that there are no minutes of any Family 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 June 24, 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; 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 Ms. Vazquez. Please contact her at 718-722-6488 with any questions.