

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

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2009-06429, 2009-06430

SCHEDULING ORDER

In the Matter of Lisa Barrio, respondent,  
v Richard Montanez, appellant.

(Docket No. F-03033-08)

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Appeals by Richard Montanez from an order of the Family Court, Kings County, dated May 15, 2009, and an amended order of the same court dated June 4, 2009. Pursuant to § 670.4(a) of the Rules of this court (22 NYCRR 670.4[a]), it is

ORDERED that the appeals in the above-entitled proceeding shall be perfected within 60 days after the receipt by the appellant of the transcripts of the minutes of the proceedings in the Family Court, and the appellant 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 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 of the Family Court proceedings to be transcribed for the appeals; 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 appeals; and it is further,

July 23, 2009

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ORDERED that if none of the 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 appeals to show cause why the appeals should or should not be dismissed.

ENTER:

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

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.