

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

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K/nl

MARK C. DILLON, J.P.  
HOWARD MILLER  
RANDALL T. ENG  
JOHN M. LEVANTHAL, JJ.

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2007-04533

ORDER TO SHOW CAUSE

In the Matter of MBNA American Bank, N.A.,  
respondent, v John Karathanos, appellant.

(Index No. 5897/06)

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John Karathanos having appealed to this Court from an order of the Supreme Court, Nassau County, entered April 12, 2007, and having perfected the appeal on March 11, 2008, the petitioner MBNA American Bank, N.A., having filed a respondent's brief on April 7, 2008, and a reply brief having been filed on April 28, 2008, the matter was placed on this Court's calendar for May 1, 2008. On April 17, 2008, this Court granted a letter application by counsel for the appellant requesting adjournment of the calendar date so that he could appear for oral argument. Thereafter, Court personnel attempted on numerous occasions to reschedule the argument date but the proposed dates were repeatedly rejected by appellant's counsel on the ground that he would be unavailable. The matter finally was recalendared for oral argument on May 20, 2009, a date which was accepted by the appellant's counsel, however the appellant's counsel failed to appear for oral argument on that date.

Now, on the Court's own motion, it is

ORDERED that the parties and their counsel are directed to show cause before this Court why an order should or should not be made and entered imposing such sanctions and/or costs, if any, against counsel for the appellant for his failure to appear for oral argument on May 20, 2009, after repeatedly requesting and obtaining adjournments, 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 all parties to the action on or before September 11, 2009.

August 28, 2009

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The Clerk of this Court, or his designee, is directed to serve a copy of this order to show cause upon counsel for the respective parties by regular mail.

DILLON, J.P., MILLER, ENG and LEVENTHAL, JJ., concur.

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