

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

M90858
M/nl

2009-07433

SCHEDULING ORDER

In the Matter of Sharlene Wallace, appellant,
v Korey Johnson, respondent ; Diane B.
Groom, nonparty appellant.

(Docket No. V-10282-03)

Separate appeals by Sharlene Wallace and the attorney for the child from an order of the Family Court, Suffolk County, dated June 30, 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 appellants of the transcripts of the minutes of the proceedings in the Family Court, and the appellants 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 appellants 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 transcripts have been received, and indicating the date received; or
- (3) if the transcripts have not been received, an affidavit or affirmation stating that they have been ordered and paid for, the date thereof and the date by which the transcripts are expected; or
- (4) if the appellant Sharlene Wallace is indigent and cannot afford to obtain the minutes or perfect the appeals, a motion in this court for leave to prosecute the appeals as a poor

August 17, 2009

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person and for the assignment of counsel, pursuant to the requirements of CPLR 1101. Such a motion must be supported by an affidavit from the appellant, stating either that she qualified for assigned counsel upon application to the Family Court and that his or her financial status has not changed since that time, or that she had retained counsel or appeared pro se in the Family Court, and listing her assets and income; or

(5) an affidavit or an affirmation withdrawing the appeals; and it is further,

ORDERED that if none of the actions described in (1), (2), (3), (4), or (5) 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 that reads "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.