

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

M90964
S/nl

2009-03168

ORDER TO SHOW CAUSE

In the Matter of Keith Johns, appellant,
v Thomas Johns, respondent.

(Docket No. O-3488-09)

Appeal by Keith Johns from an order of the Family Court, Suffolk County, dated March 19, 2009. By scheduling order dated April 9, 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 are no minutes in the Supreme Court action to be transcribed for the appeal; 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 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 action for failure to comply with the scheduling order dated April 9, 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 September 9, 2009; and it is further,

August 19, 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, reading "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer
Clerk of the Court