

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

M91453  
S/sl

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2009-05200

SCHEDULING ORDER

In the Matter of John Toman, appellant,  
v Lisa Toman, et al., respondents.

(Docket No. F-4674-05)

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Appeal by John Toman from an order of the Family Court, Orange County, dated April 22, 2009. By decision and order on motion of this court dated August 24, 2009, the appellant's motion for leave to prosecute the above-entitled appeal as a poor person was denied. 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 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 15 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 proceeding 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; and it is further,

August 31, 2009

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ORDERED that if none of the above actions described in (1), (2), (3), or (4), above, has been taken within 15 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:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

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.