

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

M93801  
M/cb

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2009-07433

ORDER TO SHOW CAUSE

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

(Docket No. V-10282-03)

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Separate appeals by Sharlene Wallace and the attorney for the child from an order of the Family Court, Suffolk County, dated June 30, 2009. By scheduling order dated August 17, 2009, the appellants were 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 were no minutes of the Family Court proceedings to be transcribed for the appeals; or
- (2) if there were such minutes, an affidavit or affirmation that the transcripts were received, and indicating the date received; or
- (3) if the transcripts were not received, an affidavit or affirmation stating that they were ordered and paid for, the date thereof and the date by which the transcripts were expected; or
- (4) if the appellant was indigent and could not afford to obtain the minutes or perfect the appeals, a motion in this court for leave to prosecute the appeals as a poor person and for the assignment of counsel, pursuant to the requirements of CPLR 1101; or
- (5) an affidavit or an affirmation withdrawing the appeals.

The appellants have 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

October 29, 2009

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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 appeals in the above-entitled proceeding for failure to comply with the scheduling order dated August 17, 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 November 19, 2009; and it is further,

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, looping initial "J".

James Edward Pelzer  
Clerk of the Court