

SUPREME COURT: STATE OF NEW YORK  
APPELLATE DIVISION: SECOND DEPARTMENT

-----X  
JENNIFER ARDIS,

Petitioner,

GREGORY MILLER

And

HERNANDO ANG,

Respondents.  
-----X

**NOTICE OF MOTION**

PLEASE TAKE NOTICE, that upon the annexed Affirmation of JOHN C. MACKLIN, ESQ., attorney for the Petitioner, JENNIFER ARDIS, the undersigned will move this United States Supreme Court at a Motion Term thereof on the 25<sup>th</sup> day of February 2019 at 10:00 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard for an Order allowing the Petition for Certiorari to be filed out of time and for such other, further and different relief to which this Court deems necessary and proper.

Dated: New Hyde Park, New York  
January 30, 2019

Yours etc.,

JOHN C. MACKLIN ESQ.  
Attorney for the Petitioner,  
JENNIFER ARDIS

5 Morris Drive  
New Hyde Park, NY 11040  
(516) 248-5640

TO: DIANE PAZAR ESQ.  
Attorney for the Children  
Legal Aid Society  
199 Water Street, 6<sup>th</sup> Floor  
New York, NY 10038

GREGORY MILLER  
6912 Bay Road  
Myrtle Beach, SC 29588

HENRY ANG  
80-58 87<sup>th</sup> Avenue  
Woodhaven, NY 11421

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**ATTORNEY'S AFFIRMATION**

JOHN C. MACKLIN ESQ., an attorney duly admitted to practice law before all of the Courts of the State of New York affirms under the penalties of perjury that upon information and belief all of the following statements are the truth:

1. I am the attorney for the Petitioner-Mother JENNIFER ARDIS having been appointed by the New York State courts and as such am fully familiar with the facts contained herein and make this Affirmation in support of the relief sought in the annexed Notice of Motion.

2. On behalf of the Petitioner JENNIFER ARDIS, your Affirmant seeks that this Court accept the Petition for Certiorari out of time. A copy of the completed Petition and minutes of the court below accompany this Motion. Additional copies have been prepared and can be furnished upon request.

3. Your Affirmant submits that as the underlying papers indicate this case not only involves the rights of the Petitioner-Mother but also the rights and interests of two vulnerable special needs children. The Mother seeks to enforce a modicum of visitation rights to the subject children.

4. Your Affirmant requests that the one day lapse in filing the Certiorari Petition be

deemed de minimus.

5. Furthermore, neither opposing counsel nor the opposing litigants have at this juncture object to the relief sought by Petitioner.

WHEREFORE, it is most respectfully urged that this Honorable Court grant all of the relief sought in this Notice of Motion together with such other, further and different relief which to this Court deems essential and proper.

Dated: New Hyde Park, New York  
January 31, 2019

  
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JOHN C. MACKLIN

**Additional material  
from this filing is  
available in the  
Clerk's Office.**