

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

M258757
E/sl

ALAN D. SCHEINKMAN, P.J.
LEONARD B. AUSTIN
ANGELA G. IANNACCI
LINDA CHRISTOPHER, JJ.

2018-11144

DECISION & ORDER ON MOTION

Mindy Rosenbaum Markowitz, appellant,
v Israel Markowitz, respondent.

(Index No. 30359/16)

Motion by the appellant to stay enforcement of a judgment of the Supreme Court, Rockland County, dated September 10, 2018, and, in effect, to direct that visitation resume in accordance with a certain prior schedule, pending hearing and determination of an appeal from the judgment, and for leave to prosecute the appeal as a poor person.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branch of the motion which is for leave to prosecute the appeal on the original papers is granted, and the appeal will be heard on the original papers (including the transcript of the proceedings, if any) and on the briefs of the parties, who are directed to file an original and five duplicate hard copies, and, if represented by counsel, one digital copy, of their respective briefs, and to serve one hard copy on each other (22 NYCRR 1250.9[a][4],[c][1],[d],[e]); additionally, the appellant is directed to file proof of service of a subpoena upon the clerk of the court of original instance requiring all documents constituting the record on appeal to be filed with the Clerk of this Court (22 NYCRR 1250.9[a][4][i]); and it is further,

ORDERED that the branch of the motion which is to waive the filing fee is denied as unnecessary (*see* CPLR 1101[e]); and it is further,

ORDERED that the branch of the motion which is to be provided with the transcript of the proceedings, without charge, is granted to the extent that the stenographer of the trial court is directed promptly to make, certify, and file two transcripts of the proceedings of any hearing held in connection with issues of custody and visitation, except for those minutes previously transcribed and certified, and the clerk of the trial court shall furnish one certified transcript of each of those

December 31, 2018

MARKOWITZ v MARKOWITZ

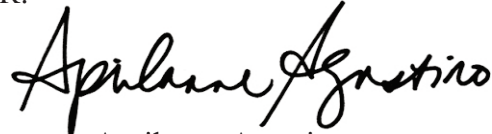
Page 1.

proceedings to the appellant's counsel, New York Legal Assistance Corp., 7 Hanover Square, 18th Floor, New York, NY 10004, 212-613-5023, without charge (*see* CPLR 1102[b]); the appellant's counsel is directed to turn over those transcripts to the respondent when counsel serves a brief on the respondent; and it is further,

ORDERED that the motion is otherwise denied.

SCHEINKMAN, P.J., AUSTIN, IANNACCI and CHRISTOPHER, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court