

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

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REINALDO E. RIVERA, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
WILLIAM E. McCARTHY, JJ.

2007-03695

DECISION & ORDER ON MOTION

In the Matter of Frances Sarr, respondent,
v Omar Sarr, appellant.

(Docket No. O-12782-06)

Appeal by Omar Sarr from an order of the Family Court, Westchester County, dated March 28, 2007. By order to show cause dated March 19 2008, the parties or their attorneys were 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 proceeding for failure to comply with a scheduling order dated January 31, 2008, issued pursuant to 22 NYCRR 670.4(a)(2). By order on certification of this court dated May 17, 2007, the following attorney was assigned as counsel on the appeal:

David J. Rynkowski, Esq.
50 Sherwood Avenue
Rensselaer, New York 12144
(518) 436-7791

Now, on the court's own motion, and the papers filed in response to the order to show cause, it is

ORDERED that the motion to dismiss is denied; and it is further,

ORDERED that assigned counsel is relieved of the assignment, and pursuant to Family Court Act § 1120, the following named attorney is assigned as new counsel to prosecute the appeal:

Hal B. Greenwald, Esq.
35 East Grassy Sprain Road, Suite 507
Yonkers, New York 10710
(914) 793-3700

and it is further,

June 26, 2008

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ORDERED that assigned counsel is directed to serve a copy of this order upon the Clerk of the court from which the appeal is taken and it is further,

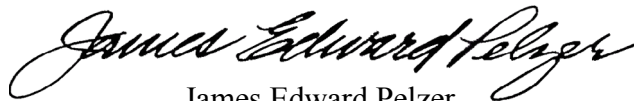
ORDERED that assigned counsel shall promptly attempt to contact the appellant at the address provided by the court, and on or before July 18, shall notify the Case Manager assigned to the appeal, in writing, that he or she has done so and that either

(1) the appellant is interested in prosecuting the appeal, or

(2) the appellant is not interested in prosecuting the appeal, or that he or she has been unable to contact the appellant, and wishes to be relieved of the assignment.

RIVERA, J.P., COVELLO, ANGIOLILLO and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court