

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

M72165
E/cb

WILLIAM F. MASTRO, J.P.
MARK C. DILLON
RANDALL T. ENG
ARIEL E. BELEN, JJ.

2008-03979

DECISION & ORDER ON MOTION

In the Matter of Cassidy Sue R. (Anonymous).
Administration for Children's Services, et al.,
petitioners-respondents; Manuel (Emmanuel)
R. (Anonymous), appellant, et al., respondent.

(Docket No. B-1292-07)

Motion by counsel assigned to represent the appellant in a proceeding before the Family Court, Kings County, to stay enforcement of an order of the Family Court, Kings County, dated January 2, 2008, pending hearing and determination of an appeal from an order of the Family Court, Kings County, dated April 4, 2008, to be relieved, for the assignment of counsel to prosecute the appeal, for poor person relief, to enlarge the time to perfect the appeal, and, in effect, for a preference in the calendaring of the appeal.

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 to stay enforcement of the order dated January 2, 2008, is granted to the extent that the finalization of the adoption is stayed pending hearing and determination of the appeal, and that branch of the motion is otherwise denied; and it is further,

ORDERED that the branches of the motion which are to relieve assigned counsel, for the assignment of counsel to prosecute the appeal, for poor person relief, and to enlarge the time to perfect the appeal are granted, and said counsel is directed to turn over all papers in the action to the new counsel herein assigned; and it is further,

ORDERED that the appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the briefs of the appellant, the respondent, and the

June 25, 2008

MATTER OF R. (ANONYMOUS), CASSIDY SUE

Page 1.

attorney for the child, if any. The parties are directed to file nine copies of their respective briefs and to serve one copy on each other (22 NYCRR 670.9[d][1][ii]; Family Ct Act § 1116); and it is further,

ORDERED that the stenographer(s) and/or the transcription service(s) is/are required promptly to make and certify two transcripts of the proceedings, if any, except for those minutes previously transcribed and certified (22 NYCRR 671.9); in the case of stenographers, both transcripts shall be filed with the clerk of the Family Court, and the clerk of the Family Court shall furnish one of such certified transcripts to the appellant's counsel, without charge; in the case of transcription services, one transcript shall be filed with the clerk of the Family Court and one transcript shall be delivered to the assigned counsel. Assigned counsel is directed to provide copies of said transcripts to all of the other parties to the appeal, including the attorney for the child, if any, when counsel serves the appellant's brief upon those parties; and it is further,

ORDERED that pursuant to Family Court Act § 1120 the following named attorney is assigned as counsel to prosecute the appeal:

Joseph R. Faraquna, Esq.
P. O. Box 122
Saq Harbor, New York 11963
(631) 514-5547

and it is further,

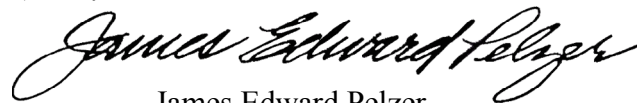
ORDERED that the assigned counsel shall prosecute the appeal expeditiously in accordance with any scheduling order or orders issued pursuant to § 670.4(a) of the rules of this court (22 NYCRR 670.4[a]); and it is further,

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 the branch of the motion which is, in effect, for a preference in the calendaring of the appeal is denied as unnecessary (*see* Family Ct Act § 1112[a]).

MASTRO, J.P., DILLON, ENG and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court