

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

M75214
F/

DAVID S. RITTER, J.P.
FRED T. SANTUCCI
WILLIAM E. McCARTHY
THOMAS A. DICKERSON, JJ.

2008-04757

DECISION & ORDER ON MOTION
Motion for Poor Person Relief
and to Assign New Counsel
Family Court

In the Matter of Herbert McMillian, appellant,
v Mae Rizzo, respondent.

(Docket No. V-10492-02)

Motion by the appellant pro se for leave to prosecute an appeal from an order of the Family Court, Queens County, dated April 21, 2008, as a poor person, and for the assignment of counsel.

Upon the papers filed in support of the motion and no papers having been filed in opposition or relation thereto, it is

ORDERED that the motion is granted; 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 Law Guardian, 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, 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 Law Guardian, if any, when counsel serves the appellant's brief upon those parties; and it is further,

September 29, 2008

Page 1.

MATTER OF McMILLIAN v RIZZO

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

Tennille Michelle Tatum-Evans, Esq.
966 St. Nicholas Avenue Apt. 3D
New York, New York 10032
(347) 654-6660

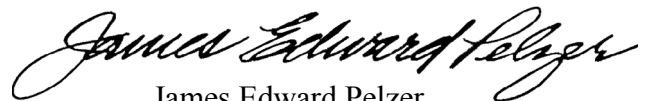
and it is further,

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.

RITTER, J.P., SANTUCCI, McCARTHY, and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court