

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

M76103
F/

ROBERT A. SPOLZINO, J.P.
ANITA R. FLORIO
HOWARD MILLER
JOHN M. LEVENTHAL, JJ.

2008-03146, 2008-03149

DECISION & ORDER ON MOTION

In the Matter of Nakita Sylvain, appellant,
v Ryan Paul, respondent.
(Proceeding No. 1)

In the Matter of Ryan Paul, respondent,
v Nakita Sylvain, appellant.
(Proceeding No. 2)

(Docket Nos. V-28622-02, V-09990-03)

Renewed motion by the counsel assigned to represent the appellant in proceedings before the Family Court, Kings County, to be relieved, for the assignment of new counsel to prosecute appeals from two orders of the Family Court, Kings County, both dated March 12, 2008, and for leave to the appellant to prosecute the appeals as a poor person.

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

ORDERED that the motion is granted and the counsel assigned by the Family Court is relieved from representing the appellant on the appeals; and it is further,

ORDERED that 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 appeals 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 Court Act § 1116); and it is further,

September 29, 2008

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MATTER OF SYLVAIN v PAUL

ORDERED that the stenographers(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 671.0); in the case of stenographers, both transcripts shall be filed with the clerk of the Family Court, and 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 appeals, including the Law Guardian, 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 for Scott F. to prosecute the appeals:

Richard L. Herzfeld, Esq.
555 5th Avenue - 14th Floor
New York, New York 10017
(212) 818-9019


and it is further,

ORDERED that the assigned counsel shall prosecute the appeals 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 appeals are taken.

SPOLZINO, J.P., FLORIO, MILLER, and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court