

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

M77345
E/sl

STEVEN W. FISHER, J.P.
HOWARD MILLER
MARK C. DILLON
RANDALL T. ENG, JJ.

2008-02010

DECISION & ORDER ON MOTION

In the Matter of Dawn Delevan, respondent,
v Sean Delevan, appellant.

(Docket No. V-17750-01)

Motion by the appellant on an appeal from an order of the Family Court, Queens County, dated February 5, 2008, inter alia, for a reconstruction hearing concerning the minutes of the proceedings which occurred in the Family Court, Queens County, on February 5, 2008, and to enlarge the time to perfect the appeal.

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 branch of the motion which is for a reconstruction hearing is granted, and the matter is referred to the Family Court, Queens County, for a reconstruction hearing with respect to the minutes of the proceedings which occurred in the Family Court, Queens County, on February 5, 2008, including the minutes of an in camera hearing, which occurred on that date; 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 minutes of the reconstruction hearing concerning all proceedings on February 5, 2008, including the in camera hearing, once the reconstruction hearing has been completed; and it is further,

ORDERED that in the case of stenographers, both transcripts of the reconstruction

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hearing concerning all proceedings on February 5, 2008, except the in camera hearing, shall be filed with the Clerk of the Family Court, and both transcripts of the reconstruction hearing concerning the in camera hearing on February 5, 2008, shall be filed with the Clerk of the Family Court, under seal; the Clerk of the Family Court shall furnish one of the certified transcripts of the reconstruction hearing concerning all proceedings on February 5, 2008, except the in camera hearing, to the appellant's counsel, without charge, and shall file one of the certified transcripts of the reconstruction hearing concerning the in camera hearing on February 5, 2008, in the office of the Clerk of this court, under seal, without charge; and it is further,

ORDERED that in the case of transcription services, one transcript of the reconstruction hearing concerning all proceedings on February 5, 2008, except the in camera hearing, shall be filed with the Clerk of the Family Court, one transcript of the reconstruction hearing concerning all proceedings on February 5, 2008, except the in camera hearing, shall be delivered to the appellant's counsel, one transcript of the reconstruction hearing concerning the in camera hearing on February 5, 2008, shall be filed with the Clerk of the Family Court, under seal, and one transcript of the reconstruction hearing concerning the in camera hearing on February 5, 2008, shall be filed in the office of the Clerk of this court, under seal; and it is further,

ORDERED that the appellant's counsel is directed to provide copies of the transcripts that are furnished to him 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,

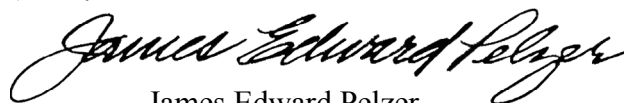
ORDERED that the appellant's counsel is directed to serve a copy of this decision and order on motion upon the Clerk of the court from which the appeal is taken.

ORDERED that the parties shall immediately advise this court when the reconstruction hearing is completed or if reconstruction cannot be accomplished; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal is held in abeyance in the interim.

FISHER, J.P., MILLER, DILLON and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court