

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

M77517
E/sl

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2007-10664, 2008-08634

DECISION & ORDER ON MOTION

In the Matter of Brian G. Reilly, appellant-respondent, v Carole A. Reilly, respondent-appellant.
(Appeal No. 1)

In the Matter of Brian G. Reilly, respondent, v Carole A. Reilly, appellant.
(Appeal No. 2)

(Docket No. V-1823-01)

Motion by Carole A. Reilly pro se to consolidate an appeal and cross appeal from an order of the Family Court, Dutchess County, dated October 19, 2007, with an appeal from an order of the same court dated September 15, 2008, for leave to prosecute the appeal from the order dated September 15, 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 to or in relation thereto, it is

ORDERED that the branch of the motion which is to consolidate the appeals and cross appeal is granted to the extent that the appeals and cross appeal will be heard together and will be argued or submitted on the same day, and that branch of the motion is otherwise denied; and it is further,

ORDERED that the branches of the motion which are for leave to prosecute the appeal from the order dated September 15, 2008, as a poor person, and for the assignment of counsel are granted; and it is further,

October 23, 2008

MATTER OF REILLY v REILLY

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ORDERED that the appeal from the order dated September 15, 2008, 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 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, 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 from the order dated September 15, 2008, 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 attorney for Carole A. Reilly in connection with the appeal from the order dated September 15, 2008:

Yasmin Daley-Duncan, Esq.
218 Smith Street
Brooklyn, New York 11201
(718) 284-3575


and it is further,

ORDERED that the assigned counsel shall prosecute the appeal from the order dated September 15, 2008, 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 from the order dated September 15, 2008, is taken.

SKELOS, J.P., ANGIOLILLO, BALKIN and BELEN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court