

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

M78102  
E/sl

STEVEN W. FISHER, J.P.  
HOWARD MILLER  
EDWARD D. CARNI  
ARIEL E. BELEN, JJ.

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2008-05034

DECISION & ORDER ON MOTION

Eugene William Austin, Jr., appellant,  
v Johanna M. Austin, respondent.

(Index No. 26058-07)

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Motion by Rodney Drake, Esq., the attorney for the appellant, for leave to withdraw as counsel on an appeal from an order of the Supreme Court, Suffolk County, dated April 28, 2008.

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 Rodney Drake, Esq., is relieved from representing the appellant with respect to the instant appeal; and it is further,

ORDERED that on or before November 19, 2008, Rodney Drake, Esq., is directed to serve his client by one of the methods specified in CPLR 2103(c), with a copy of this decision and order on motion and shall file proof of such service with the Clerk of this court; and it is further,

ORDERED that no further proceedings shall be taken against the appellant, without leave of the court, until the expiration of 30 days after service upon him of a copy of this decision and order on motion.

FISHER, J.P., MILLER, CARNI and BELEN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

November 5, 2008

AUSTIN v AUSTIN