

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

M78185
E/sl

PETER B. SKELOS, J.P.
ROBERT A. LIFSON
FRED T. SANTUCCI
EDWARD D. CARNI, JJ.

2008-05319

DECISION & ORDER ON MOTION

In the Matter of Curtis James Jackson, respondent,
v Shaniqua Tompkins, appellant.

(Docket No. F-3359-07)

Appeal by Shaniqua Tompkins from an order of the Family Court, Suffolk County, dated May 5, 2008. By order to show cause dated October 9, 2008, the parties or their attorneys were directed to show cause before this court why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding for failure to comply with a scheduling order dated June 23, 2008, issued pursuant to § 670.4(a)(2) of the rules of this court (22 NYCRR 670.4[a][2]). Motion by the appellant for leave to prosecute the appeal as a poor person and to enlarge the time to perfect the appeal.

Upon the order to show cause and the papers filed in response thereto, and upon the appellant's motion and the papers filed in opposition thereto, it is

ORDERED that the motion to dismiss the appeal is denied; and it is further,

ORDERED that the branch of the appellant's motion which is for leave to prosecute the appeal on the original papers is denied as unnecessary (*see* Family Ct Act § 1116), and 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 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,

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ORDERED that the branches of the appellant's motion which are for free transcripts and to waive the filing fee are denied; and it is further,

ORDERED that the branch of the appellant's motion which is to enlarge the time to perfect the appeal is granted, and the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.9[d][2]) and by serving and filing her brief on the appeal is enlarged until January 6, 2009.

SKELOS, J.P., LIFSON, SANTUCCI and CARNI, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court