

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

M78338  
E/sl

WILLIAM F. MASTRO, J.P.  
REINALDO E. RIVERA  
STEVEN W. FISHER  
RANDALL T. ENG, JJ.

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2008-08578

DECISION & ORDER ON MOTION

In the Matter of Donna Lane, appellant,  
v Reginald Lane, Sr., respondent.

(Docket No. V-11819-05)

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Motion by the appellant to relieve counsel assigned by the Family Court, Kings County, for the assignment of counsel to prosecute an appeal from an order of the Family Court, Kings County, dated August 20, 2008, for poor person relief, to “plac[e] the appeal on the expedited appeal list,” and to enlarge the time to perfect the appeal.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the branches of the motion which are to relieve counsel assigned by the Family Court, Kings County, for the assignment of counsel to prosecute the appeal dated August 20, 2008, and for poor person relief are granted; and it is further,

ORDERED that Cindy J. Mendelson, Esq., 26 Court Street - Suite 1903, Brooklyn, New York 11242, is directed to turn over all papers in the action to the new counsel herein assigned; and it is further,

ORDERED that 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 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 appeals, 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 counsel to prosecute the appeal:

Michael A. Flechter, Esq.  
26 Court Street, Suite 600  
Brooklyn, New York 11242  
(718) 902-4492

and it is further,

ORDERED that the assigned counsel shall prosecute the appeal 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 the branch of the motion which is to “plac[e] the appeal on the expedited appeal list” is granted to the extent that the matter is assigned to this court’s active management program (*see* 22 NYCRR 670.4[2]), and that branch of the motion is otherwise denied; and it is further,

ORDERED that the branch of the motion which is to enlarge the time to perfect the appeal is granted and the matter is referred to the Clerk of the court to issue a scheduling order pursuant to 22 NYCRR 670.4(a)(2); 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 is taken.

MASTRO, J.P., RIVERA, FISHER and ENG, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court