

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

M78898
E/sl

ROBERT A. SPOLZINO, J.P.
MARK C. DILLON
EDWARD D. CARNI
JOHN M. LEVENTHAL, JJ.

2008-08097, 2008-08102, 2008-08456,
2008-08457

DECISION & ORDER ON MOTION

In the Matter of Justin P. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Bethzaida P. (Anonymous),
appellant, et al., respondent.

In the Matter of Enrique P. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Bethzaida P. (Anonymous),
appellant, et al., respondent.

In the Matter of Cheyanne P. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Bethzaida P. (Anonymous),
appellant, et al., respondent.

In the Matter of Kenneth S. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Bethzaida P. (Anonymous),
appellant, et al., respondent.

In the Matter of Alan S. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Bethzaida P. (Anonymous),
appellant, et al., respondent.

(Docket Nos. N-18640-04, N-18641-04, N-18642-04,
N-18643-04, N-18644-04)

December 5, 2008

MATTER OF P. (ANONYMOUS), JUSTIN

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Motion by the appellant for leave to prosecute appeals from two orders of the Family Court, Queens County, both dated July 17, 2008, and docketed under Appellate Division Docket Nos. 2008-08097, 2008-08457, as a poor person, for the assignment of Rayaaz N. Khan as counsel to prosecute the appeals, for a preference in the calendaring of the appeals, and to consolidate the appeals with appeals from two orders of the same court also both dated July 17, 2008, and docketed under Appellate Division Docket Nos. 2008-08102, 2008-08456. Separate motion by the appellant for leave to prosecute the appeals from the orders docketed under Appellate Division Docket Nos. 2008-08102, 2008-08456, as a poor person, for the assignment of Rayaaz N. Khan as counsel for the appeals, for a preference in the calendaring of the appeals, and to consolidate the appeals with the appeals docketed under Appellate Division Docket Nos. 2008-08097, 2008-08457.

Upon the papers filed in support of the motions and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the branches of the motions which are to consolidate the appeals and for leave to prosecute the appeals as a poor person are granted; and it is further,

ORDERED that the appeals 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(s) for the children, if any. The parties are directed to file 13 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 appeals, including the attorney(s) for the children, if any, when counsel serves the appellant's brief upon those parties; and it is further,

ORDERED that the branches of the motions which are for the assignment of Rayaaz N. Khan as counsel to prosecute the appeals are granted to the extent that pursuant to Family Court Act § 1120 the following named attorney is assigned as counsel to prosecute the appeals, and those branches of the motion are otherwise denied:

Rayaaz N. Khan, Esq.
89-31 161st Street - Suite 807
Jamaica, New York 11432
(718) 938-6169

and it is further,


ORDERED that the assigned counsel shall prosecute the appeals 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 appeals are taken; and it is further,

ORDERED that the branches of the motions which are for a preference in the calendaring of the appeals are denied as unnecessary (*see* CPLR 5521[b]; Family Ct Act § 1112).

SPOLZINO, J.P., DILLON, CARNI and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court