

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

M78964
M/cb

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
RUTH C. BALKIN
WILLIAM E. McCARTHY, JJ.

2008-08764

ORDER ON CERTIFICATION
Assignment of counsel

In the Matter of D. (Anonymous) Children.
Administration for Children's Services, et al.,
petitioners-respondents; Dexter D. (Anonymous),
et al., appellants.

(Docket Nos. B-06611-04, B-06612-04,
B-06613-04, B-06614-04, B-06615-04)

Separate appeals by Dexter D. and Maria D. from an order of the Family Court, Kings County, dated September 8, 2008. Pursuant to Family Court Act §§ 1118 and 1120, and upon the certification of Richard Colodny, Esq., dated November 13, 2008, it is

ORDERED that the appellant Dexter D. is granted leave to proceed as a poor person on the appeal, and the following named attorney is assigned as counsel to prosecute the appeal:

Larry S. Bachner, Esq.
153-01 Jamaica Ave. - Suite 201
Jamaica, New York 11432
(917) 378-0176

and it is further,

ORDERED that assigned counsel for Dexter D. shall promptly attempt to contact the appellant at the address provided by the court, and on or before December 10, 2008, shall notify the Case Manager assigned to the appeal, in writing, that he has done so and that either

November 26, 2008

MATTER OF D. (ANONYMOUS), CHILDREN

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(1) the appellant Dexter D. is interested in prosecuting the appeal, or

(2) the appellant Dexter D. is not interested in prosecuting the appeal, or that he has been unable to contact the appellant, and wishes to be relieved of the assignment; and it is further,

ORDERED that the appeal by Dexter D. will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the briefs of the appellants, 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,

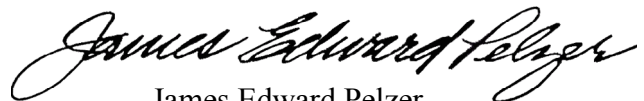
ORDERED that the stenographer(s) and/or the transcription service(s) is/are required promptly to make and certify two transcripts of the proceedings, if any, except for those minutes previously transcribed and certified (22 NYCRR 671.9); in the case of stenographers, both transcripts shall be filed with 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 for Dexter D. 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 brief for the appellant Dexter D. upon those parties; and it is further,

ORDERED that the assigned counsel for Dexter D. 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 upon a determination that the appellant Dexter D. is interested in proceeding with the appeal, the 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., MILLER, BALKIN and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

The Case Manager assigned to this case is Mr. Rose. Please contact him at 718-722-6487 with any questions.