

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

M86001
E/cb

MARK C. DILLON, J.P.
ANITA R. FLORIO
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2009-02778

SCHEDULING ORDER

In the Matter of Orange County
Department of Social Services,
o/b/o Nicole Martinez, respondent,
v Derrick Davis, appellant.

(Docket No. F-566-08)

Motion by the appellant to stay enforcement of an order of the Family Court, Orange County, dated March 19, 2009, pending hearing and determination of an appeal therefrom, to relieve assigned counsel and for the assignment of new counsel, and for leave to prosecute the appeal as a poor person.

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

ORDERED that the motion is granted; and it is further,

ORDERED that the enforcement of the order dated March 19, 2009, is stayed pending hearing and determination of the appeal; and it is further,

ORDERED that Legal Aid Society of Orange County, Inc., 2 Court Lane, Goshen, New York, is directed to turn over all papers in the action to the new counsel herein assigned; and it is further,

ORDERED that pursuant to Family Court Act § 1120 the following named attorney

May 1, 2009

Page 1.

MATTER OF ORANGE COUNTY DEPARTMENT OF SOCIAL SERVICES, on behalf of
MARTINEZ v DAVIS

is assigned as counsel to prosecute the appeal:

Michael G. Paul, Esq.
120 No. Main Street- Suite 203
New City, New York 10956
(845) 356-0656

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,

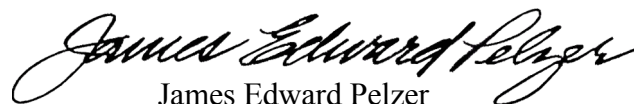
ORDERED that the stenographer(s) and/or the transcription service(s) is/are required promptly to make and certify two transcripts of the proceedings, if any, in the case of stenographers, both transcripts shall be filed with the clerk of the Family Court, and the clerk of the Family Court shall furnish 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 appeal, including the attorney for the child, if any, when counsel serves the appellant's brief upon those parties; 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 assigned counsel is directed to serve a copy of this order upon the clerk of the court from which the appeal is taken.

DILLON, J.P., FLORIO, BALKIN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court