

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

M86080
M/cb

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
CHERYL E. CHAMBERS
LEONARD B. AUSTIN, JJ.

2009-01647

In the Matter of Tracy Jon McDonough,
appellant-respondent, v Denise Ortega
McDonough, respondent-appellant.

ORDER ON CERTIFICATION
Assignment of Counsel

(Docket Nos. V-11669-08, V-11670-08)

Appeal and cross appeal from an order of the Family Court, Suffolk County, dated January 21, 2009. Pursuant to Family Court Act §§ 1118 and 1120, and upon the certification of Kenneth J. Mollot, Esq., dated March 31, 2009, it is

ORDERED that Tracy Jon McDonough 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 on behalf of Tracy Jon McDonough:

Arza R. Feldman, Esq.
626 Reckson Plaza
West Tower - 6th Floor
Uniondale, N.Y. 11556
516-522-2828

and it is further,

ORDERED that assigned counsel for Tracy Jon McDonough shall promptly attempt to contact the appellant at the address provided by the court, and on or before May 15, 2009, shall notify the Case Manager assigned to the appeal, in writing, that she has done so and that either

(1) Tracy Jon McDonough is interested in prosecuting the appeal, or

May 4, 2009

MATTER OF McDONOUGH v McDONOUGH

Page 1.

(2) Tracy Jon McDonough is not interested in prosecuting the appeal, or that she has been unable to contact Tracy Jon McDonough, and wishes to be relieved of the assignment; 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,

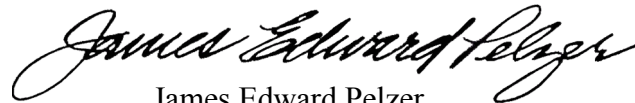
ORDERED that the appeal and cross appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the briefs of the appellant, the respondent, and the attorney for the child, if any. The parties are directed to file nine copies of their respective briefs 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, if they have not already done so pursuant to the order of this court dated April 8, 2009, 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 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 upon a determination that Tracy Jon McDonough 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, CHAMBERS and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

The Case Manager assigned to this case is Ms. Vazquez. Please contact her at 718-722-6488 with any questions.