

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

M86272
F/

WILLIAM F. MASTRO, J.P.
MARK C. DILLON
FRED T. SANTUCCI
RUTH C. BALKIN, JJ.

2009-00986

DECISION & ORDER ON MOTION

In the Matter of Jennifer Gowrie, respondent,
v Freddy Squires, appellant.

(Docket No. O-105-07)

Motion by the counsel assigned to represent the appellant in a proceeding before the Supreme Court, Orange County, to be relieved, for the assignment of new counsel to prosecute an appeal from an order of the Supreme Court, Orange County (IDV Part), dated December 3, 2008, and for leave to the appellant to prosecute the appeal as a poor person.

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

ORDERED that the motion is granted and the counsel assigned by the Supreme Court is relieved from representing the appellant on the appeal; and it is further,

ORDERED that said counsel 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 Law Guardian, if any. The parties are directed to file nine copies of their respective briefs and to serve one copy on each other (22NYCRR 670.9[d][1][ii]; Family Court § 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 671.0); in the case of stenographers, both transcripts

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shall be filed with the clerk of the Supreme Court, and clerk of the Supreme 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 Supreme 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 Law Guardian, if any, when counsel serves the appellant's brief upon those parties; and it is further,

ORDERED that pursuant to Family Court Act § 262 and § 1120 and Judiciary Law § 35, the following named attorney is assigned as counsel to prosecute the appeal:

Philip H. Schnabel, Esq.
33 Schnabel Lane
Chester, New York 10918
(845) 469-2023


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.

MASTRO, J.P., DILLON, SANTUCCI, and BALKIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court