

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

M89269

E/sl

STEVEN W. FISHER, J.P.
HOWARD MILLER
DANIEL D. ANGIOLILLO
L. PRISCILLA HALL, JJ.

2009-02376

DECISION & ORDER ON MOTION

In the Matter of Barbara P. (Anonymous),
appellant; Robert Doar, respondent.

(Index No. 14560/08)

Motion by Gary C. Di Leonardo, Esq., 118-35 Queens Boulevard, Suite 1220, Forest Hills, New York 11375, counsel assigned to represent Barbara P. in a proceeding pursuant to Mental Hygiene Law article 81, to be relieved and to assign new counsel to represent Barbara P. on an appeal from an order and judgment (one paper) of the Supreme Court, Queens County, dated December 9, 2008, and for poor person relief.

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

ORDERED that the motion is granted and assigned counsel is directed to turn over all papers in the action to the new counsel herein assigned; and it is further,

ORDERED that pursuant to statute (Judiciary Law § 35), the following named attorney is assigned as counsel to prosecute the appeals:

Joseph R. Faraguna, Esq.
P.O. Box 122
Sag Harbor, New York 11963-0312
(631) 514-5547

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 appellant's and the respondent's briefs. The parties are directed to file nine copies of their respective briefs and to serve one copy on each other, and it is further,

July 13, 2009

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MATTER OF P. (ANONYMOUS), BARBARA

ORDERED that pursuant to statute (CPLR 1102[b]), the stenographer of the trial court shall make and certify two transcripts of the proceedings, if any, of the trial or hearing and shall deliver one to the appellant's attorney and file the other with an affidavit of the fact and date of such delivery and filing. Assigned counsel is directed to turn over said transcripts to the respondent when counsel serves the appellant's brief upon the respondent; and it is further,

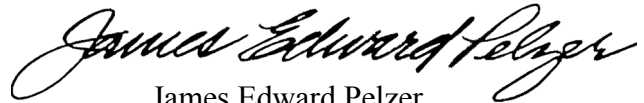
ORDERED that payment of the filing fee is waived, and it is further,

ORDERED that pursuant to Section 670.4 of the rules of this court (*see* 22 NYCRR 670.4), this appeal is assigned to active management; the appellant's time to perfect the appeal is enlarged; assigned counsel shall prosecute the appeals expeditiously in accordance with, any scheduling orders issued by the Clerk of this court (22 NYCRR 670.4, *et seq.*) and written directions.

ORDERED that if a trial or hearing was held, assigned counsel is directed to serve a copy of this order upon the Clerk of the Court from which the appeal is taken.

FISHER, J.P., MILLER, ANGIOLILLO and HALL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court