

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

M89729
E/sl

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
ANITA R. FLORIO
CHERYL E. CHAMBERS, JJ.

2008-11447

DECISION & ORDER ON MOTION

In the Matter of Cathy Drake, respondent
v Charon Carroll, appellant.

(Docket Nos. V-7758-03, V-7759-03)

Motion by the appellant to relieve counsel assigned to prosecute an appeal from an order of the Family Court, Kings County, dated December 11, 2008, and to substitute retained counsel. By order on certification dated January 7, 2009, Tennille Michelle Tatum-Evans, Esq., 966 St. Nicholas Ave., New York, N. Y. 10032, was assigned to prosecute the appeal.

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

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

ORDERED that the following retained counsel is substituted for assigned counsel:

Elliot Green, Esq.
188 Montague Street, 10th Floor
Brooklyn, New York 11201
(718) 260-8668

and it is further,

July 22, 2009

MATTER OF DRAKE v CARROLL

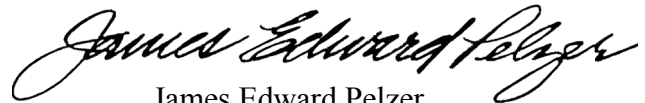
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ORDERED that so much of the decision and order on motion of this court dated January 7, 2009, as granted the appellant poor person relief is recalled and vacated, without prejudice to the appellant moving for poor person relief on or before August 10, 2009, upon proper papers setting forth the amount and source of retained counsel fees and explaining why poor person relief should continue, and former assigned counsel is directed to turn over all papers in the action to the Clerk of this court; and it is further,

ORDERED that the appellant's time to perfect the appeal by causing the original papers constituting the record on the appeal to be filed in the office of the Clerk of this court (*see* 22 NYCRR 670.4[a][2]) and by serving and filing the appellant's brief on the appeal is enlarged until September 21, 2009.

MASTRO, J.P., SKELOS, FLORIO and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court