

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

M90443
E/sl

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
ARIEL E. BELEN
LEONARD B. AUSTIN, JJ.

2009-03451

DECISION & ORDER ON MOTION

In the Matter of Mindy Lee Quinones,
appellant, v Eric Gonzalez, respondent.

(Docket Nos. V-7346-07, V-8504-07)

Appeal by Mindy Lee Quinones from an order of the Family Court, Suffolk County, dated March 10, 2009. By order to show cause dated June 16, 2009, the parties or their attorneys were directed to show cause before this court why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding for failure to comply with a scheduling order dated April 24, 2009, issued pursuant to § 670.4(a)(2) of the rules of this court (22 NYCRR 670.4[a][2]). Motion by Mindy Lee Quinones for leave to prosecute the appeal as a poor person.

Upon the order to show cause and the papers filed in response thereto, and upon the motion for leave to prosecute the appeal as a poor person and the papers filed in relation thereto, it is

ORDERED that the motion to dismiss the appeal is denied; and it is further,

ORDERED that the motion for leave to prosecute the appeal as a poor person is granted; 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,

August 10, 2009

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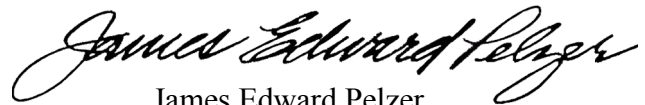
ORDERED that the stenographer(s) and/or the transcription service(s) is/are required promptly to make and certify two transcripts of the proceedings, if any, in the case of stenographers, both transcripts shall be filed with the clerk of the Family Court, and the clerk of the Family Court shall furnish one of such certified transcripts to the appellant, 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 appellant. The appellant 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 she serves a brief upon those parties; and it is further,

ORDERED that the appellant 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 the Clerk of the court, or his designee, is directed to serve a copy of this order upon the clerk of the court from which the appeal is taken, and to subpoena the original papers constituting the court file from the Family Court, Suffolk County.

SKELOS, J.P., DICKERSON, BELEN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court