

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

M90572
E/sl

STEVEN W. FISHER, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
ARIEL E. BELEN, JJ.

2009-02675, 2009-03448

DECISION & ORDER ON MOTION

In the Matter of Max F. (Anonymous), Jr.
Nassau County Department of Social Services,
respondent; Emma F. (Anonymous), appellant.
(Proceeding No. 1)

In the Matter of Stella P. F. (Anonymous).
Nassau County Department of Social Services,
respondent; Emma F. (Anonymous), appellant.
(Proceeding No. 2)

(Docket Nos. N-11260-08, N-11261-08)

Motion by the appellant for leave to prosecute appeals from two orders of the Family Court, Nassau County, dated February 9, 2009, and March 27, 2009, respectively, as a poor person, and for the assignment of counsel.

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

ORDERED that on the court's own motion, the appeal from the order dated February 9, 2009 (Appellate Division Docket No. 2009-02675), is dismissed, without costs or disbursements, on the ground that it has been rendered academic; and it is further,

ORDERED that the branch of the motion which is for leave to prosecute the appeal from the order dated February 9, 2009, as a poor person and for the assignment of counsel on that appeal is denied as academic; and it is further,

August 10, 2009

MATTER OF F. (ANONYMOUS), MAX JR.

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ORDERED that the branch of the motion which is for leave to prosecute the appeal from the order dated March 27, 2009 (Appellate Division Docket No. 2009-03448), as a poor person and for the assignment of counsel on that appeal is granted; and it is further,

ORDERED that the appeal from the order dated March 27, 2009, 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 children, 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 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'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 from the order dated March 27, 2009, including the attorney for the children, if any, when counsel serves the appellant's brief upon those parties; and it is further,

ORDERED that pursuant to Family Court Act § 1120 the following named attorney is assigned as counsel to prosecute the appeal from the order dated March 27, 2009:

Elaine Jackson Stack, Esq.
666 Old Country Road - Suite 600
Garden City, New York 11530
(516) 222-0005

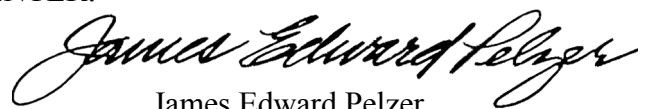
and it is further,

ORDERED that the assigned counsel shall prosecute the appeal from the order dated March 27, 2009, 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 from the order dated March 27, 2009, is taken.

FISHER, J.P., ANGIOLILLO, DICKERSON and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court