

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

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REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2009-02945

DECISION & ORDER ON MOTION

In the Matter of Austin C. (Anonymous).
Orange County Department of Social Services,
petitioner-respondent; Alicia Y. (Anonymous),
appellant, et al., respondent.
(Proceeding No. 1)

In the Matter of Britney Y. (Anonymous).
Orange County Department of Social Services,
petitioner-respondent; Alicia Y. (Anonymous),
appellant, et al., respondent.
(Proceeding No. 2)

In the Matter of Tylor C. (Anonymous).
Orange County Department of Social Services,
petitioner-respondent; Alicia Y. (Anonymous),
appellant, et al., respondent.
(Proceeding No. 3)

(Docket Nos. B-3435-08, B-3436-08,
B-3437-08)

On the court's own motion, it is

ORDERED that its decision and order on motion dated July 13, 2009, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted

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MATTER OF C. (ANONYMOUS), AUSTIN

therefor:

Motion by the counsel assigned to represent the appellant in a proceeding before the Family Court, Orange County, to be relieved, for the assignment of new counsel to prosecute an appeal from an order of the Family Court, Orange County, dated February 3, 2009, and for leave to the appellant to prosecute the appeal as a poor person.

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 the counsel assigned by the Family 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 (22 NYCRR 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 shall be filed with the clerk of the Family Court, and 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, including the Law Guardian, if any, when counsel serves the appellant's brief upon those parties; and it is further,

ORDERED the pursuant to Family Court Act § 1120 the following named attorney is assigned as counsel to prosecute the appeal:

Joseph J. Artip, Esq.
367 Windsor Highway
PMB 244
New Windsor, New York 12553
(845) 534-2968

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,

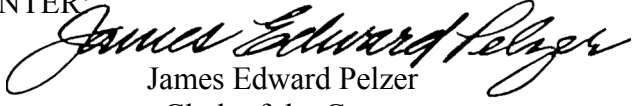
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ORDERED that assigned counsel is directed to serve a copy of this order upon the Clerk of the court from which the appeal is taken.

RIVERA, J.P., FLORIO, DICKERSON, and ENG, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court