

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

M91331
E/sl

STEVEN W. FISHER, J.P.
MARK C. DILLON
JOSEPH COVELLO
RANDALL T. ENG, JJ.

2009-01740, 2009-06013

DECISION & ORDER ON MOTION

In the Matter of Freda Leichter-Kessler,
appellant, v Charles Kessler, respondent.

(Docket Nos. V-5358-08, V-5359-08)

Motion by the appellant to consolidate appeals from two orders of the Family Court, Westchester County, dated January 26, 2009, and June 4, 2009, respectively, to assign Carl D. Birman as counsel for the appellant on the appeal from the order dated June 4, 2009, and to enlarge the record to include the transcript of certain proceedings in the Supreme Court, Westchester County. Separate motion by the appellant to reconstruct the record as it pertains to three forensic reports.

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

ORDERED that the branch of the motion which is to consolidate the appeals is denied as unnecessary as the appeals may be consolidated as of right (*see* 22 NYCRR 670.7[c][1]); and it is further,

ORDERED that the branch of the motion which is to assign Carl D. Birman as counsel for the appellant on the appeal from the order dated June 4, 2009 (Appellate Division Docket No. 2009-06013), is granted, and pursuant to Family Court Act §§ 1118 and 1120, the following named attorney is assigned as counsel to prosecute the appeal from the order dated June 4, 2009:

Carl D. Birman, Esq.
626 Meadow St.
Mamaroneck, N.Y. 10543
914-630-4680

and it is further,

August 27, 2009

Page 1.

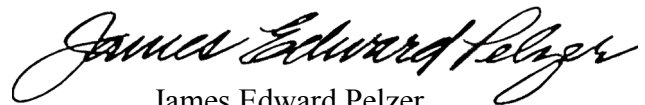
ORDERED that assigned counsel shall serve a copy of this order upon the Clerk of the court from which the appeals are taken; and it is further,

ORDERED that the branch of the motion which is to enlarge the record to include the transcript of certain proceedings in the Supreme Court, Westchester County, and the separate motion to reconstruct the record as it pertains to three forensic reports are denied; and it is further,

ORDERED that the appellant's time to perfect the appeal from the order dated January 26, 2009 (Appellate Division Docket No. 2009-01740) 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 October 1, 2009.

FISHER, J.P., DILLON, COVELLO and ENG, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court