

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

M91603
S/sl

MARK C. DILLON, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
LEONARD B. AUSTIN, JJ.

2009-04793

DECISION & ORDER ON MOTION

In the Matter of Grace J. Hausmann, respondent,
v Margaret Vetere, appellant.

(Docket No. O-15426/08)

On the court's own motion, it is

ORDERED that its decision and order on motion dated September 1, 2009, in the above-entitled matter is recalled and vacated, and the following decision and order on motion is substituted therefor:

Renewed motion by the appellant for leave to prosecute an appeal from an order of the Family Court, Suffolk County, dated May 12, 2009, as a poor person, and for the assignment of counsel, and to amend a decision and order on motion of this court dated July 10, 2009.

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 branches of the motion which are for leave to prosecute the appeal as a poor person and for the assignment of counsel are 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 and the respondent. 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,

September 4, 2009

MATTER OF HAUSMANN v VETERE

Page 1.

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, 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:

Joseph R. Faraguna, Esq.
P.O. Box 122
Sag Harbor, New York 11963
631-514-5547

and it is further,

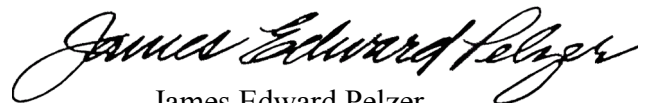
ORDERED that the assigned counsel shall prosecute the appeal expeditiously in accordance with any scheduling order or orders issued pursuant to § 670.4(a) of the rules of *this* court (22 NYCRR 670.4[a]); and it is further,

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; and it is further,

ORDERED that the branch of the motion which is to amend the decision and order on motion of this court dated July 10, 2009, is denied as academic as that order was amended by decision and order on motion of this court dated July 20, 2009.

DILLON, J.P., COVELLO, ANGIOLILLO and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court