

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

M93802  
E/sl

WILLIAM F. MASTRO, J.P.  
FRED T. SANTUCCI  
RANDALL T. ENG  
CHERYL E. CHAMBERS, JJ.

---

2009-05981

DECISION & ORDER ON MOTION

In the Matter of Melinda N. Suarez-White,  
appellant, v Darrel A. White, respondent.

(Docket No. V-14088-08)

---

Appeal by Melinda N. Suarez-White from an order of the Family Court, Kings County, dated May 28, 2009. By order to show cause dated July 15, 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 action for failure to comply with a scheduling order dated July 21, 2009, issued pursuant to § 670.4(a)(2) of the rules of this court (22 NYCRR 670.4[a][2]). Motion by the appellant pro se for leave to prosecute the appeal as a poor person and for the assignment of counsel.

Upon the order to show cause and no papers having been filed in response thereto, and upon the papers filed in support of the appellant's motion and the papers filed in opposition thereto, it is

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

ORDERED that the branch of the appellant's motion which is for leave to prosecute the appeal on the original papers is denied as unnecessary (*see* Family Ct Act § 1116), and 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 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 branches of the appellant's motion which are to waive the filing fee, for free transcripts, and for the assignment of counsel are denied; and it is further,

October 28, 2009

Page 1.

MATTER OF SUAREZ-WHITE v WHITE

ORDERED that the appellant's time to perfect the appeal 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 670.9[d][2]) and by serving and filing her brief on the appeal is enlarged until December 4, 2009; and it is further,

ORDERED that no further enlargement of time shall be granted.

MASTRO, J.P., SANTUCCI, ENG and CHAMBERS, JJ., concur.

ENTER:

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

James Edward Pelzer  
Clerk of the Court