

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

M93803
E/sl

REINALDO E. RIVERA, J.P.
FRED T. SANTUCCI
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2009-05200

DECISION & ORDER ON MOTION

In the Matter of John Toman, appellant,
v Lisa Toman, et al., respondents.

(Docket No. F-4674-05)

Renewed motion by the appellant pro se for leave to prosecute an appeal an order of the Family Court, Orange County, dated April 22, 2009, as a poor person, and for the assignment of counsel.

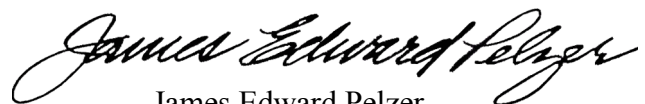
Upon the papers filed in support of the motion and the papers filed in relation thereto, it is

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.

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

ENTER:



James Edward Pelzer
Clerk of the Court

October 28, 2009

MATTER OF TOMAN v TOMAN