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

M93894
E/sl

WILLIAM F. MASTRO, J.P.
FRED T. SANTUCCI
ARIEL E. BELEN
CHERYL E. CHAMBERS, JJ.

2009-09254

DECISION & ORDER ON MOTION
Motion for Poor Person Relief
and to Assign New Counsel
Family Court

In the Matter of James McCormick, respondent,
v Miriam L. Dixon, appellant.

(Docket No. V-00291/09)

Motion by counsel assigned to represent the appellant by the Family Court, Orange County, to be relieved, for the assignment of new counsel to represent the appellant on an appeal from an order of the Family Court, Orange County, dated August 11, 2009, and for poor person relief.

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 Randy I. Siper, 159 Ward Street, Second Floor, Montgomery, New York 12549 counsel in the Family Court is relieved and is directed to turn over all papers in the action to 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 attorney for the child, if any. The parties are directed to file nine copies of their respective briefs and to serve one copy on each other (*see* 22 NYCRR 670.9[d][1][ii]; Family Ct Act § 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, 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, including the attorney for the child, if any, 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:

Thomas Diviny, Esq.
39 Central Avenue - Second Floor
Pearl River, New York 10965
(845) 201-8090

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.

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

ENTER:

James Edward Pelzer
Clerk of the Court