

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

M93923
E/sl

MARK C. DILLON, J.P.
ANITA R. FLORIO
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2009-06935

DECISION & ORDER ON MOTION

In the Matter of Brian Booker, appellant,
v Akeesha Lockitt, respondent.

(Docket No. F-10440-06)

On the court's own motion, it is

ORDERED that its decision and order on motion dated October 29, 2009, in the above-entitled case is recalled and vacated, and the following decision and order on motion is substituted therefor:

Motion by the *Legal Aid Society of Suffolk County* for leave *for the appellant* to prosecute an appeal from an order of the Family Court, Suffolk County, dated June 30, 2009 as a poor person and *to assign the Legal Aid Society of Suffolk County as counsel for the appeal*.

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 branch of the motion which is for leave *for the appellant* 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,

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ORDERED that the branches of the motion which are to waive the filing fee, for free transcripts, and *to assign the Legal Aid Society of Suffolk County as counsel for the appeal* are denied.

DILLON, J.P., FLORIO, BALKIN and LEVENTHAL, 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