

Matter of Desiree P. v Michael L.

Motion No: 1743

Slip Opinion No: 2020 NYSlipOp 73061(U)

Decided on October 13, 2020

Appellate Division, First Department, Motion Decision

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Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the
Official Reports.

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Present – Hon. Rolando T. Acosta,
David Friedman
Dianne T. Renwick
Sallie Manzanet-Daniels
Judith J. Gische,

Presiding Justice,

Justices.

In the Matter of a Family Offense
Proceeding under Article 8 of the Family
Court Act,

Confidential
Motion No. 1743
Case No. 2020-02399
Docket No. O-27255-17

Desiree P.,
Petitioner-Respondent,

-against-

Michael L.,
Respondent-Appellant.

Respondent-Appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about March 11, 2020, which denied his motion to vacate the Order of Protection of the same court, entered on default on or about July 17, 2018, and for assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Edward J. Rinaldi, Esq., and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and Section 1120 of the Family Court Act, Andrew Baer, Esq. 299 Broadway, Suite 1700, Telephone No. 212-233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the

cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court; and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. The Clerk of the Family Court shall transfer the record upon receipt of this order.**

ENTERED: October 13, 2020



Susanna Molina Rojas
Clerk of the Court

¹ Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.