

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

M246590
E/rr

ALAN D. SCHEINKMAN, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
MARK C. DILLON
RUTH C. BALKIN, JJ.

2018-00143

DECISION & ORDER ON MOTION
Assignment of Counsel

In the Matter of Dana Capobianco, appellant,
v Ann Marie Esposito, respondent.

(Docket Nos. V-357-10/14D, V-358-10/14D)

Appeal by Dana Capobianco from an order of the Family Court, Putnam County, dated November 28, 2017. By order on certification of this Court dated January 29, 2018, the appellant was granted leave to proceed as a poor person on the appeal, and the following named attorney was assigned as counsel to prosecute the appeal:

Salihah R. Denman, Esq.
600 Mamaroneck Avenue, Suite 400
Harrison, NY 10528
914-215-7221

On the Court's own motion, it is

ORDERED that Salihah R. Denman is relieved as counsel for the appellant and is directed to turn over all papers in the matter to the new attorney for the appellant herein assigned; and it is further,

ORDERED that pursuant to Family Court Act § 1120, the following named attorney is assigned as attorney for the appellant:

Hani M. Moskowitz, Esq.
1225 Franklin Avenue, Suite 325
Garden City, NY 10007
516-448-3503

February 26, 2018

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and it is further,

ORDERED that the appellant 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 pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), within 30 days after the date of this decision and order on motion, assigned counsel shall file in the office of the Clerk of this Court one of the following:

- (1) an affidavit or affirmation stating that there are no minutes of the Family Court proceedings to be transcribed for the appeal; or
- (2) if there are such minutes, an affidavit or affirmation stating that the transcript has been received, and indicating the date that it was received; or
- (3) if the transcript has not been received, an affidavit or affirmation stating that the order on certification of this Court dated January 29, 2018, and this decision and order on motion have been served upon the clerk of the court from which the appeal is taken, the date thereof, and the date by which the transcript is expected; or
- (4) an affidavit or an affirmation withdrawing the appeal; and it is further,

ORDERED that if none of the actions described in (1), (2), (3), or (4) above has been taken within 30 days of the date of this decision and order on motion, the Clerk of the Court shall issue an order to all parties to the appeal to show cause why the appeal should or should not be dismissed; and it is further,

ORDERED that assigned counsel is directed to serve a copy of the order on certification of this Court dated January 29, 2018, and this decision and order on motion upon the clerk of the court from which the appeal is taken.

SCHEINKMAN, P.J., MASTRO, RIVERA, DILLON and BALKIN, JJ., concur.

ENTER: 
Aprilanne Agostino
Clerk of the Court

The Case Manager assigned to this case is Ms. Vazquez. Please contact her at 718-722-6488 with any questions.