

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

M247087
SL/

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

2018-02264

In the Matter of Brandon S. (Anonymous), appellant.
Westchester Department of Social Services,
respondent.

ORDER ON CERTIFICATION
Assignment of Counsel

(Docket No. D-6948-17)

Appeal by Brandon S. from an order of the Family Court, Westchester County, dated January 17, 2018. Pursuant to Family Court Act §§ 1118 and 1120, and upon the certification of David J. Peck, Esq., dated February 9, 2018, it is

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

William D. Eddy, Esq.
One Barker Avenue, Suite 230
White Plains, NY 10601
914-949-0109

and it is further,

ORDERED that David J. Peck, Esq., is directed to turn over all papers in the proceeding to the new attorney for the appellant 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 attorney for the appellant and the respondent(s). 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 stenographer(s) and/or the transcription service(s) is/are required promptly to make and certify two transcripts of the proceedings, if any, except for those minutes previously transcribed and certified (22 NYCRR 671.9); in the case of stenographers, both

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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 attorney for the appellant, 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 attorney for the appellant. The attorney for the appellant is directed to provide copies of said transcripts to all of the other parties to the appeal, when the attorney for the appellant serves a brief upon those parties; and it is further,

ORDERED that attorney for the appellant shall serve a copy of this order upon the clerk of the court from which the appeal is taken; and it is further,

ORDERED that the appeal in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the attorney for the appellant of the transcripts of the minutes of the proceedings in the Family Court, and the attorney for the appellant shall notify this Court by letter of the date the transcripts are received, or, in cases where there are no minutes of proceedings to be transcribed, within 60 days of the date of this scheduling order; and it is further,

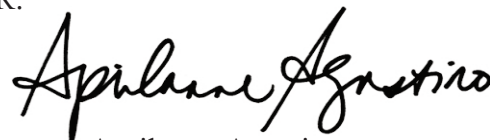
ORDERED that within 30 days after the date of this order, the attorney for the appellant shall file in the office of the Clerk of this Court one of the following:

- (1) an affidavit or affirmation stating that there are no minutes of any Family Court proceeding to be transcribed for the appeal; or
- (2) if there are such minutes, an affidavit or affirmation that the transcripts have been received, and indicating the date received; or
- (3) if the transcripts have not been received, an affidavit or affirmation stating that this order has been served upon the clerk of the court from which the appeal is taken, the date thereof, and the date by which the transcripts are expected; or
- (4) an affidavit or an affirmation withdrawing the appeal; and it is further,

ORDERED that if none of the above actions described in (1), (2), (3), or (4) above, has been taken within 30 days of the date of this scheduling order, 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.

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.