

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

M247272
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RUTH C. BALKIN, J.P.
SHERI S. ROMAN
ROBERT J. MILLER
VALERIE BRATHWAITE NELSON, JJ.

2017-11761, 2017-11766

DECISION & ORDER ON MOTION

In the Matter of Timothy R. (Anonymous),
appellant, v Laverne S. G. (Anonymous),
respondent.

(Docket No. F-4942-08/15N)

Appeals by Timothy R. from two orders of the Family Court, Nassau County, dated June 27, 2017, and September 14, 2017, respectively. By order to show cause dated January 26, 2018, the parties were directed to show cause before this Court why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding for failure to comply with a scheduling order dated December 5, 2017, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]). Motion by the appellant for leave to prosecute the appeals as a poor person and for the assignment of counsel.

Now, upon the order to show cause and the papers filed in response thereto, and upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the motion to dismiss the appeal is denied; and it is further,

ORDERED that the branch of the motion which is for leave to prosecute the appeals on the original papers is denied as unnecessary (*see* Family Ct Act § 1116), and the appeals 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 (22 NYCRR 670.9[d][1][ii]; Family Ct Act § 1116); and it is further,

ORDERED that the branches of the motion which are to waive the filing fee, for free transcripts, and for the assignment of counsel are denied; and it is further,

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ORDERED that within 30 days after the date of this decision and order on motion, the appellant shall file in the office of the Clerk of the Court an affidavit or affirmation stating that the transcript was received and indicating the date that it was received, or, if the transcript was not received, an affidavit or affirmation stating that it was ordered and paid for, the date thereof, and the date by which the transcript is expected.

BALKIN, J.P., ROMAN, MILLER and BRATHWAITE NELSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court