

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

M248002
E/afa

JOHN M. LEVENTHAL, J.P.
ROBERT J. MILLER
HECTOR D. LASALLE
VALERIE BRATHWAITE NELSON, JJ.

2016-05894

DECISION & ORDER ON MOTION

In the Matter of Vincent Ballschmieder, deceased.
Charles J. Ballschmieder, petitioner-respondent;
Jeffrey Ballschmieder, et al., objectants-appellants.

(File No. 438/12)

Motion by Profeta & Eisenstein, in effect, for leave to withdraw as counsel for the appellant Jeffrey Ballschmieder on an appeal from a decree of the Surrogate's Court, Richmond County, dated April 11, 2016. Separate motion by the petitioner-respondent to dismiss the appeal insofar as taken by the appellant Jeffrey Ballschmieder.

Upon the papers filed in support of the motions and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion by Profeta & Eisenstein is granted, and on or before April 11, 2018, Profeta & Eisenstein shall serve the appellant Jeffrey Ballschmieder by one of the methods specified in CPLR 2103(c), with a copy of this decision and order on motion and shall file proof of such service with the Clerk of this Court; and it is further,

ORDERED that no further proceedings shall be taken against the appellant Jeffrey Ballschmieder without leave of the Court, until the expiration of 30 days after service upon him of a copy of this decision and order on motion; and it is further,

ORDERED that on or before May 14, 2018, the appellant Jeffrey Ballschmieder shall advise this Court, in writing whether he has retained counsel, and provide a notice of appearance by retained counsel, or proceeding pro se, and whether or not he is adopting the brief filed by Profeta & Eisenstein on his behalf; and it is further,

March 27, 2018

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ORDERED that motion by the petitioner-respondent is denied without prejudice to renew if the appellant Jeffrey Ballschmieder fails to comply with the foregoing paragraph.

LEVENTHAL, J.P., MILLER, LASALLE 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