

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

M248519
E/afa

RUTH C. BALKIN, J.P.
JOHN M. LEVENTHAL
SYLVIA O. HINDS-RADIX
LINDA CHRISTOPHER, JJ.

2018-00151

DECISION & ORDER ON MOTION

In the Matter of Nichelle S. E. B. (Anonymous).
Westchester County Department of Social Services,
petitioner-respondent; Kyondra E. (Anonymous),
respondent-appellant, et al., respondent.
(Proceeding No. 1)

In the Matter of Michael A. T. (Anonymous), Jr.
Westchester County Department of Social Services,
petitioner-respondent; Kyondra E. (Anonymous),
respondent-appellant, et al., respondent.
(Proceeding No. 2)

In the Matter of Hezekiah J.-M. E. (Anonymous).
Westchester County Department of Social Services,
petitioner-respondent; Kyondra E. (Anonymous),
respondent-appellant, et al., respondent.
(Proceeding No. 3)

In the Matter of Za-Nayla T. (Anonymous), Jr.
Westchester County Department of Social Services,
petitioner-respondent; Kyondra E. (Anonymous),
respondent-appellant, et al., respondent.
(Proceeding No. 4)

(Docket Nos. N-5190-16, N-5191-16, N-5192-16,
N-5193-16, N-5194-16, N-5195-16, N-5196-16,
N-5197-16)

Appeal by Kyondra E. from an order of the Family Court, Westchester County, dated September 20, 2017. By order to show cause dated February 23, 2018, the parties were directed to show cause before this Court why an order should or should not be made and entered relieving the attorney assigned by order on certification of this Court dated January 12, 2018, to perfect the appeal on behalf of the respondent-appellant on the ground that the attorney had been unable to contact the respondent-appellant, and dismissing the appeal.

April 9, 2018

MATTER OF B. (ANONYMOUS), NICHELLE S. E.

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

ORDERED that the motion is granted to the extent that former assigned counsel, William Martin, 44 Church Street, White Plains, NY 10601, 914-771-7711 is relieved of the assignment and directed to turn over all papers in this matter to new counsel herein assigned, and the motion is otherwise denied; and it is further,

ORDERED that pursuant to Family Court Act §§ 1118 and 1120, the following named attorney is assigned as new counsel to prosecute the appeal:

Neal D. Futerfas
50 main Street, Suite 1000 - 10th Floor
White Plains, NY 10606
914-552-6076

and it is further,

ORDERED that assigned counsel shall serve a copy of this decision and order on motion upon the clerk of the court from which the appeal is taken; and it is further,

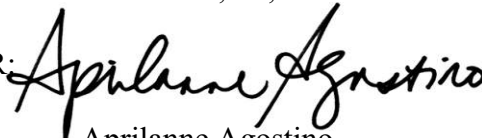
ORDERED that pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), within 30 days after the date of this decision and order on motion, the assigned counsel shall file in the office of the Clerk of this Court one of the following:

- (1) an affidavit or affirmation stating that there are no minutes of any Family Court proceeding to be transcribed for the appeal; or
- (2) if there are such minutes, an affidavit or affirmation stating 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 as well as the order on certification dated January 12, 2018, have 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 decision and order on motion, the Clerk of this Court shall issue an order to all parties to the appeal to show cause why the appeal should or should not be dismissed.

BALKIN, J.P., LEVENTHAL, HINDS-RADIX and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

The Case Manager assigned to this case is Mr. Rose. Please contact him at 718-722-6487 with any questions.

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