

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Wendy Smallen,
Plaintiff-Respondent-Appellant,

-against-

M-1529X
Index No. 106564/06

New York University,
Defendant-Appellant-Respondent,

Doe Corporations 1-5,
Defendant.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 9, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 22, 2010, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
408-20 Fulton Street LLC,
Plaintiff-Respondent-Appellant,

-against-

M-1530X
Index No. 603398/08

Steven Shore, Barry Prevor, and
Giuseppe (Joe) Soccodato,
Defendants-Appellants-Respondents,

Douglas Gavin,
Defendant.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 14, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 19, 2010, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Eli Verschleiser and Julie
Verschleiser,
Plaintiffs-Appellants,

-against-

American Water Enterprises Inc.,
Long Island Water Corporation,
Defendants,

EQK Green Acres, LP, EQKGA Inc.,
Green Acres Mall LLC, Vornado
Realty LLP, Vornado Realty LP,
Vornado Realty Trust,
Defendants-Respondents,

M-1523X
Index No. 110709/06

North Shore University Hospital,
Jeffrey Richmond MD, Orthopaedic
Associates of Manhasset PC,
Defendants,

Meadowland Contracting Inc.,
Securitas Security Systems USA Inc.,
Defendants-Respondents,

-and-

Peninsula Hospital Center,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 16, 2009 (mot. seq. no. 008),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 22, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2010 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Illinois National Insurance Company,
The New York City School Construction
Authority, The City of New York and
J.A. Jones Construction Group, LLC,
Plaintiffs-Respondents,

M-1715
Index No. 604466/05

-against-

General Star Indemnity Company,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 4, 2008 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, filed March 31, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2010 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Maria Blanco,
Plaintiff,

-against-

M-1738
Index No. 104456/03

Alfaparf SRL, BIP, Inc., doing
business as Alfaparf, USA, and
Piermarco Group Imports, Ltd.,
Defendants.

-----X
Alfaparf SRL, BIP, Inc., doing
business as Alfaparf, USA,
Third-Party Plaintiff-Respondent,

-against-

Third Party
Index No. 590839/05

Nuevo Vitrofin SRL,
Third-Party Defendant,

Bormilio Rocco e Figlio Spa,
Third-Party Defendant-Appellant.

-----X
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 4, 2009 (mot. seq. no. 004),

Now, upon reading and filing the stipulation of the parties hereto, filed April 1, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2010 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Eugene Nardelli
James M. McGuire
Karla Moskowitz, Justices.

-----X
The People of the State of New York,

Respondent,

-against-

M-1421
Ind. No. 1266/07

Oswaldo Madera,

Defendant-Appellant.
-----X

Assigned counsel having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about April 10, 2007, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire
Sheila Abdus-Salaam, Justices.

-----X
The Paul and Irene Bogoni Foundation,
etc., et al.,
Plaintiffs-Appellants,

-against-

M-1106
Index No. 102095/08

St. Bonaventure University, etc.,
et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for an order dismissing plaintiffs-appellants' appeal taken from the judgment of the Supreme Court, New York County, entered on or about October 22, 2009,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected on or before July 12, 2010 for the September 2010 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that defendants-respondents serve a copy of this order upon plaintiffs-appellants within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of

Jamiah C.,

A Dependent Child under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

M-380
Docket No. B7817/05

- - - - -
Leake & Watts Services, Inc.,
et al.,
Petitioners-Respondents,

Kamila N.,
Respondent-Appellant.

- - - - -
Marli Gonzalez, Esq., Lawyers for
Children,
Law Guardian for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about December 24, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (603) 313-1951, as counsel

for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. (See M-380A, decided simultaneously herewith.)

ENTER:


Clerk.

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Luis A. Gonzalez,
Presiding Justice of the Appellate Division

-----X
In the Matter of

Jamiah C.,

A Dependent Child under 18 Years of
Age Pursuant to §384-b of the Social
Services Law of the State of New York.

M-380A
Docket No. B7817/05

Leake & Watts Services, Inc.,
et al.,
Petitioners-Respondents,

Kamila N.,
Respondent-Appellant.

Marli Gonzalez, Esq., Lawyers for
Children,
Law Guardian for the Child.

-----X

Respondent-appellant mother having moved for a stay of the order of the Family Court, New York County, entered on or about December 24, 2009, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied. (See M-380, decided simultaneously herewith.)

Dated: *April 14, 2010*
New York, New York

Luis A. Gonzalez
Hon. Luis A. Gonzalez,
Presiding Justice

ENTERED

APR 22 2010

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on April 22, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire
Sheila Abdus-Salaam, Justices.

-----X
Jose Enrique Peralta,
Plaintiff,

-against-

M-898
Index No. 17197/04

238 Wallabout Street Corp., M.G.I.
Construction Inc. and Mendel Indig,
Defendants.

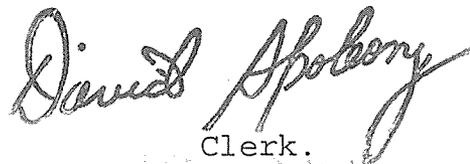
-----X

Defendant 238 Wallabout Street Corp. having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 7, 2009,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court, dated February 19, 2010, is vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire
Sheila Abdus-Salaam, Justices.

-----X
Lidia Hughes,

Plaintiff-Respondent,

-against-

M-1013
Index No. 36544/05

Andre Hughes,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of divorce of the Supreme Court, Bronx County, entered on or about May 8, 2009,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before July 12, 2010 for the September 2010 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that plaintiff-respondent serves a copy of this order upon defendant-appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire
Sheila Abdus-Salaam, Justices.

-----x
Mushlam, Inc.,
Plaintiff-Landlord-Respondent,

-against-

M-950
M-1248
Index No. 100207/08

Marie Nazor and Peter Mickle
544 West 27th Street
Entire 4th Floor
New York, New York 10001,
Defendants-Undertenants-Appellants.
-----x

Appeals having been taken to this Court by defendants-undertenants-appellants from an order of the Supreme Court New York County, entered on or about April 7, 2008 (mot. seq. no. 002) and an amended order entered June 3, 2008 (mot. seq. no. 003), respectively,

And an order of this Court entered August 18, 2009 (M-3239) having consolidated the aforesaid appeals and enlarging the time in which to perfect said consolidated appeals,

And plaintiff-landlord-respondent having moved to dismiss the aforesaid consolidated appeals (M-950),

And defendants-undertenants-appellants having cross moved for a further enlargement of time in which to perfect the aforesaid consolidated appeals (M-1248),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion to dismiss the consolidated appeals is denied (M-950). The cross motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to on or before July 12, 2010 for the September 2010 Term, with no further enlargements to be granted (M-1248).

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire
Sheila Abdus-Salaam, Justices.

-----X
Best Buy Co., Inc., Yuco Real Estate
Company, Inc., Schimenti Construction
Company, LLC. and Transcontinental
Insurance Company,
Plaintiffs-Appellants-Respondents,

-against-

M-1112
Index No. 600781/06

Utica National Insurance Company,
formerly known as Utica National
Assurance Company,
Defendant-Respondent-Appellant,

-and-

Sage Electrical Contracting, Inc.,
Defendant.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 28, 2009,

And plaintiffs having moved for an enlargement of time in which to perfect the direct appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the September 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Eugene Nardelli
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
Marling Sone,

Plaintiff-Appellant,

-against-

M-763
Index No. 103992/06

Cheryl Qamar,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on December 17, 2009 (Appeal No. 1826),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
James M. McGuire
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Skip Funt,

Plaintiff-Appellant,

-against-

M-4

Index No. 124501/01

Human Resources Administration
of the City of New York,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on December 10, 2009 (Appeal No. 1711),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----x
In the Matter of the Application of
Jon Goldin,
Petitioner-Appellant,

-against-

Raymond W. Kelly, Commissioner of the
New York City Police Department,
Respondent-Respondent.

M-1756
M-1862
Index No. 109751/08

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 16, 2009 (mot. seq. no. 001), and said appeal having been perfected,

And petitioner-appellant having moved to enlarge the record on appeal to include a written decision of Hearing Commissioner Karopkin dated September 6, 2007 (M-1756),

And respondent-respondent having cross-moved for adjournment of the aforesaid appeal, and for leave to submit a corrected respondent's brief and for petitioner to submit a corrected reply brief (M-1862),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

It is ordered that the motion (M-1756) is granted and the proposed supplemental record submitted with the moving papers is deemed filed. The cross motion (M-1862) is granted to the extent of adjourning the appeal to the September 2010 Term. Respondent is permitted to submit a corrected respondent's brief and petitioner a corrected reply brief for said Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on April 22, 2010.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
Eugene Nardelli
James M. Catterson, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-1331
Ind. No. 6839/99

Mohammed Alaouie, also known as
Mohmaed Alaovie,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about March 4, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings before Judge Padro, if any. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
Eugene Nardelli
James M. Catterson, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1218
Ind. No. 4290/08

Sharon Gilbert,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 11, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
Eugene Nardelli
James M. Catterson, Justices.

-----X
The People of the State of New York,

Respondent,

-against-

M-1221
Ind. No. 4180/08

Antwan Oconner, also known as
Antwan O'Connor,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 4, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$5,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4285
Ind. No. 14998/91

Benjamin Williams,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 2, 1996 (Appeal No. 57750), unanimously affirming a judgment of the Supreme Court, New York County (McLaughlin, J.), rendered on February 23, 1993,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that said application is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Eugene Nardelli
Dianne T. Renwick, Justices.

-----X
Sharon Ellsworth,
Plaintiff-Appellant,

Shana Ellsworth,
Plaintiff,

M-913
M-947
Index No. 18632/04

-against-

Michael Adu, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 9, 2009,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal (M-913),

And defendants-respondents having cross-moved for the dismissal of the aforesaid appeal (M-947),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon, it is

Ordered that plaintiff-appellant's motion (M-913) is granted on condition that plaintiff perfects the appeal on or before July 12, 2010 for the September 2010 Term. Defendants' cross motion (M-947) is granted unless the appeal is perfected for said September 2010 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that defendants-respondents serve a copy of this order upon plaintiff-appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. McGuire
Sallie Manzanet-Daniels, Justices.

-----X
Shirley Johnson,

Plaintiff-Appellant,

-against-

Concourse Village, Inc., et al.,

Defendants-Respondents.
-----X

M-772
Index No. 17424/07

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 5, 2010 (Appeal No. 1930),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Claudio Lopez,

Plaintiff-Appellant,

-against-

M-919
Index No. 113638/05

The City of New York, et al.,

Defendants-Respondents.
-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 19, 2010 (Appeal No. 1683),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:

David Apolony
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Santorini Equities,
Petitioner-Respondent,

-against-

Francisco Picarra, et al., M-1040
Respondents-Appellants, Index No. 570367/05

-----X

Petitioner-respondent landlord having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 28, 2010 (Appeal No. 866),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
In the Matter of

Moona C.,
Robina C.,
Amal K.,
and Nadia K.,

M-695
Docket Nos. NN2641-44/08

Dependent Children under 18 Years
of Age Alleged to be Abused and/or
Neglected Under Article 10 of the
Family Court Act.

- - - - -
Administration for Children's
Services,
Petitioner-Respondent,

Charlotte K.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq.,
Law Guardian for Children Moona C.,
Amal K. and Nadia K.,

Michael Moorman, Esq., Lawyers for
Children, Law Guardian for Child
Robina C.

-----X
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, New York County, entered on or about May 1, 2009 and October 26, 2009, respectively, and for assignment of counsel, a free copy of the transcript, and related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

April 22, 2010

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol Lipton, Esq., 800 Greenwood Avenue, #3L, Brooklyn, NY 11218, Telephone No. (718) 436-5359, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



David Apolony
Clerk

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Austen Ugweches,
Plaintiff-Appellant,

-against- M-586
Index No. 314650/05

Tatjana Nehhozina Ugweches,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about January 21, 2010 (mot. seq. no. 004), for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Supreme Court, New York County, is directed to have transcribed the minutes of the inquest and any other proceedings held therein, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-1157
Ind. No. 4982/08

Brian Payne,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 8, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-1179
Ind. No. 3990/99

Messiah Avent,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about February 6, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
The People of the State of New York,

Respondent,

-against-

M-480
Ind. No. 449C/05

Robert L. Merritt, also known as
Robert Merritt,

Defendant-Appellant.
-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 4, 2008,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, with leave to renew upon a statement of issues defendant seeks to raise in said pro se supplemental brief.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
985-987 First Avenue, LLC,
Petitioner-Landlord-Appellant,

-against-

M-415
Index No. 570404/07

John Aretakis "John Doe" and
"Jane Doe" 353 East 54th Street,
Apt. 4W, New York, New York 10022,
Respondent-Tenant-Respondent.

-----X

Respondent-tenant-respondent John Aretakis having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about September 11, 2009, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
New York Life Insurance Company,
Plaintiff-Respondent,

-against-

M-1039
Index No. 105689/07

Marie Larocca, Joan Kadlec, and
Lorraine Gibilaro,
Defendants,

Nina Gibilaro,
Defendant-Appellant.

-----X
Defendant-appellant Nina Gibilaro having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 2, 2009 (mot. seq. no. 005),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied and, sua sponte, the appeal is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Varender Kumar,
Plaintiff-Appellant,

Rupa Kumar,
Plaintiff,

M-974
Index No. 105010/05

-against-

Mercedes-Benz USA, LLC, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 22, 2009 (mot. seq. no. 004),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before July 12, 2010 for the September 2010 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Michael Lemle, Individually, and as a
Shareholder of 132 West 31st Street
Realty Corp., Suing in the Name of
132 West 31st Street Realty Corp.,
Plaintiff-Appellant,

-against-

Florence Lemle, Douglas Lemle,
Deanne Lemle Bosnak and
132 West 31st Street Realty Corp.,
Defendants-Respondents.

M-1036
M-1227
Index No. 601281/07

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about January 20, 2009 (mot. seq. nos. 001, 002 and 003),

And corporate defendant-respondent having cross-moved to dismiss the appeal,

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before July 12, 2010 for the September 2010 Term. The cross motion to dismiss the appeal is granted unless appellant perfects the appeal for said Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that defendants-respondents serve a copy of this order upon plaintiff-appellant within 10 days from the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Centennial Insurance Company,
Plaintiff-Appellant/Appellant
Respondent,

-against-

Tadco Construction Corp. and Frank M-903
DeMartino, M-1073
Defendants-Respondents/Respondents- Index No. 603713/04
Appellants,

D & D Mason Contractors, Inc., et al.,
Defendants-Respondents.

(And a Third-Party Action)
-----X

Appeals having been taken by plaintiff Centennial Insurance Company from the orders of the Supreme Court, New York County, entered on or about March 16, 2007 [mot. seq. no. 009], on or about September 4, 2007 [mot. seq. no. 011] and on or about October 10, 2008 [mot. seq. no. 013], respectively,

And defendants, Tadco Construction Corp. and Frank DeMartino, having taken an appeal from the order of reference of said Supreme Court entered on or about July 23, 2008; and having taken a cross appeal from the order of said Court entered on or about October 10, 2008, and from the judgment entered thereon on or about October 14, 2008, respectively,

And the aforesaid appeals and cross appeal having been consolidated by the order of this Court entered on October 15, 2009 (M-3782/M-3783/M-3784/M-3977),

And plaintiff Centennial Insurance Company having moved for an enlargement of time in which to perfect its direct appeals (M-903),

And defendant, Tadco Construction Corp., having cross-moved for the same relief with respect to the cross appeal(s) (M-1073),

Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon, it is

Ordered that the motion and cross motion are granted and the time in which to perfect the respective consolidated appeals and cross appeals is enlarged to the October 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Eugene Nardelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-5013
Ind. No. 2475/93

Terence Shepard, also known as
Cornell Barber,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 9, 1997 (Appeal Nos. 61592/61593), unanimously affirming a judgment of the Supreme Court, New York County (Alvin Schlesinger, J.), rendered on March 30, 1994,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that said application is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present - Hon. Eugene Nardelli, Justice Presiding,
James M. McGuire
Rolando T. Acosta
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Anna Santavicca,

Plaintiff-Respondent,

-against-

M-1324
Index No. 308643/08

Joni Property Trust LLC.,

Defendant-Appellant.
-----X

Appeals having been taken to this Court from the orders of the Supreme Court, Bronx County, entered on or about May 21, 2009 and on or about January 13, 2010, respectively, and said appeals having been perfected,

And defendant-appellant having moved for a stay of damages inquest pending hearing and determination of the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted.

ENTER:


Clerk

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Peter Tom
Justice of the Appellate Division

-----x
In the Matter of a Proceeding for
Support Under Article 4 of the
Family Court Act.

Kacy Nicole R.,
Petitioner-Respondent,

M-1144
Docket No. F-10541-06/08D

-against-

Roger W.,
Respondent-Appellant.

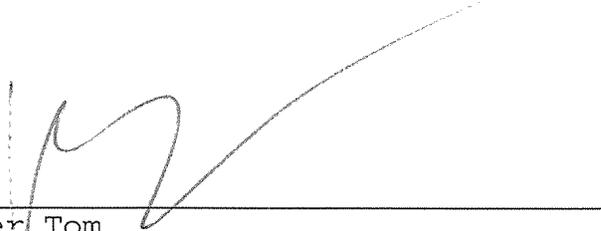
-----x
An appeal having been taken to this Court from the order of
the Family Court, Bronx County, entered on or about December 14,
2009,

And respondent-appellant having moved for a stay of the
order pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

Dated: New York, New York
April 12, 2010



Peter Tom
Associate Justice

Entered:

APR 22 2010

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

-----x
In the Matter of

Sekou E.,

A Child Under Twenty-One Years of
Age Voluntarily Placed by

Ruth C.

The Catholic Guardian Society and
the Administration for Children's
Services,
Petitioners-Respondents,

M-1483
Docket No. L-10026/07

Ruth C.,
Respondent.

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Law Guardian for the Child-
Appellant.

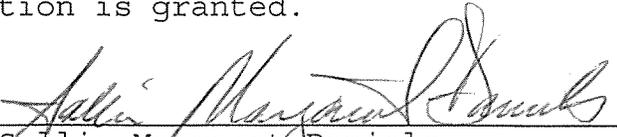
-----x

Law guardian for the Child, Steven Banks, Esq., having moved
for a stay of the order of the Family Court, New York County,
entered on or about February 22, 2010, pending hearing and
determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon,

It is ordered that the motion is granted.

Dated: New York, New York
April 12, 2010



Sallie Manzanet-Daniels
Associate Justice

Entered: **APR 22 2010**

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Nelson S. Román
Justice of the Appellate Division

-----X
The People of the State of New York,

M-666
Ind. No. 4076/94

-against-

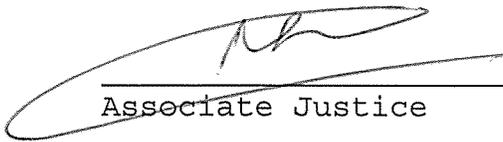
CERTIFICATE
DENYING LEAVE

Horace Harris,

Defendant.

-----X

I, Nelson S. Román, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, rendered on or about October 16, 2009 is hereby denied.


Associate Justice

Dated:
New York, New York

ENTERED: APR 22 2010

PM ORDERS

ENTERED

APRIL 20, 2010

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 20, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Jeffrey Squitieri,
Plaintiff-Respondent,

-against-

M-1234
Index No. 350138/06

Beth Squitieri,
Defendant-Appellant,

Susan Y. Kunstler, Esq.,
Non Party-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 24, 2009, and said appeal having been perfected,

And an order of this Court having been entered on January 19, 2010 (M-5257/M-5433), granting defendant-appellant a stay of enforcement of the lien/judgment of the aforesaid court entered on or about July 20, 2009 on condition defendant perfects the appeal for the May 2010 Term, and which provided that upon failure to so perfect, non-party respondent may move to vacate the stay,

And non-party respondent having moved for dismissal of said appeal for failure to perfect by the aforesaid deadline; vacatur of the stay afforded defendant in the order of this Court entered on or about January 19, 2010 (M-5257/M-5433); an order striking the appendix and brief and directing submission of a corrected appendix and brief; leave to file a respondent's appendix, certain costs, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of granting non-party respondent leave to file a supplemental appendix at her own expense said appendix and a respondent's brief to be filed on or before August 11, 2010 for the September 2010 Term, to which Term the perfected appeal is adjourned. The motion is otherwise denied.

ENTER:

A handwritten signature in black ink that reads "David Apolony". The signature is written in a cursive, flowing style.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 20, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----x

Lancer Trust, etc.,

Plaintiff,

-against-

M-1545

Index No. 116225/09

141 Acquisition Associates LLC,
et al.,

Defendants.

-----x

Plaintiff having moved, pursuant to CPLR 5704(a), for affirmative relief denied in an order to show cause of a Justice of the Supreme Court, New York County, on March 10, 2010,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 20, 2010.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Verizon Directories, Corp.,
Plaintiff-Appellant,

-against-

Continuum Health Partners, Inc.,
Defendant-Respondent.

M-1560
Index No. 117782/05

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 21, 2009, and said appeal having been perfected,

And defendant-respondent having moved for leave to file the supplemental record on appeal which is annexed to the moving papers as "Exhibit A", or for alternative relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and defendant is directed to immediately file the requisite number of copies of the supplemental record.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 20, 2010.

PRESENT - Hon. Eugene Nardelli, Justice Presiding,
James M. McGuire
Rolando T. Acosta
Helen E. Freedman
Nelson S. Román, Justices.

-----X
RNK Capital LLC, Grey K Environmental
Fund, LP, and Grey K Environmental
Offshore Fund, Ltd.,
Plaintiffs-Respondents,

-against-

M-1634
Index No. 603483/06

Natsource LLC, Natsource Asset Management
LLC, Natsource Transaction Services LLC,
Natsource Europe Ltd., Natsource Japan Co.,
Ltd., Ben Richardson, Michael Intrator,
David Oppenheimer, and Jack Cogen,
Defendants-Appellants.

-----X
Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about July 10, 2009 (mot. seq. no. 004) and February 17, 2010 (mot. seq. nos. 006, 007, 008, 009, 010) [Calendar No. 613], respectively,

And plaintiffs-respondents having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about February 17, 2010,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, without prejudice to addressing the issues directly on appeal which is, sua sponte, consolidated with the appeal [Calendar No. 239] from the order of the Supreme Court, New York, entered on or about October 28, 2009 (mot. seq. no. 005) to the extent of hearing the appeals together.

ENTER:



Clerk.

PM ORDERS

ENTERED

APRIL 22, 2010

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
CMMF, LLC,

Plaintiff-Appellant-Respondent,

-against-

M-1844

Index No. 601924/09

J.P. Morgan Investment Management, Inc.,
et al.,

Defendants-Respondents-Appellants.

- - - - -
Andrew M. Cuomo, Attorney General of
the State of New York,

Amicus Curiae.

-----X

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 11, 2009,

And Andrew M. Cuomo, Attorney general of the State of New York, having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal and cross appeal, and to participate in argument,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the amicus curiae briefs submitted with the moving papers herein as filed, and the motion is otherwise denied. *Sua sponte*, defendants are permitted to file a supplemental reply brief in response to the Attorney General's brief, limited to 15 pages in length on or before May 3, 2010.

ENTER:



Clerk.

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

-----X
Matter of the Application of
Jesse Chandler,
Petitioner,

For a Judgment Pursuant to Article 78
of the Civil Procedure Law and Rules,

-against-

M-1562
Index No. 114076/09

New York City Housing Authority -
Mitchel Houses,
Respondent.

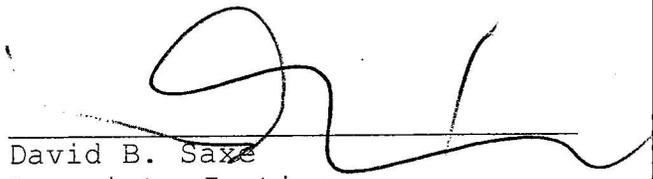
-----X

Respondent having moved for leave to appeal to this Court
from the order of the Supreme Court, New York County, entered on
or about March 10, 2010, and related relief,

Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED APR 22 2010



David B. Saxe
Associate Justice

Dated: April 19, 2010
New York, New York

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

-----X
The People of the State of New York, : Order Granting
 : Stay of Execution
 Respondent, : Of Judgment of
 : Resentence and
 -against- : Release on
 : Recognizance
 Jessie Velez, : After Appeal Taken
 :
 Defendant-Appellant. : M-1348
 : Bronx Ind. No. 6720/98
-----X

An appeal having been taken to this Court by the above-named defendant-appellant from the judgment of the Supreme Court, Bronx County, rendered on June 18, 2009, resentencing him to a 9-year determinate prison term followed by 5 years of post-release supervision (appellant having previously been sentenced following his second-degree burglary conviction to a 9-year determinate prison term with no post-release supervision), and appellant having filed an application for poor person relief and the assignment of counsel on March 4, 2010, and appellant having moved, pursuant to CPLR §§ 460.50 and 530.50, to (1) stay and/or suspend execution of the judgment of resentence and (2) be released on his own recognizance pending the hearing and determination of his appeal,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers submitted in support of the motion, and the affirmation of ADA Justin J. Braun, and Memorandum of Law, both dated March 12, 2010, in opposition, and

the affirmation of Mark W. Zeno, and Memorandum of Law, both dated March 14, 2010, in reply, it is

ORDERED that said motion be and the same hereby is granted and the judgment of resentence is stayed and suspended pending hearing and determination of the appeal, on the condition that said appeal be perfected within 120 days from the date hereof, and it is further,

ORDERED that appellant is released on his own recognizance pending the hearing and determination of the appeal, subject to the same condition.

In the event of the failure to comply with the foregoing condition within the time specified (or such extensions thereof as may be granted), appellant shall surrender himself to the Supreme Court, Bronx County, in order that execution of said judgment be resumed.

Dated: New York, New York
April 20, 2010



Rolando T. Acosta
Associate Justice

Entered:

APR 22 2010

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. Catterson
James M. McGuire
Nelson S. Román, Justices.

-----X
David Quintavalle,
Plaintiff,

-against-

M-1714
Index No. 120136/03

Michael Beltrami and
Cornelius B. Spiering,
Defendants.

-----X

Defendant having moved pursuant to CPLR 5704(a), for relief denied by a Justice of the Supreme Court, New York County, on or about March 30, 2010,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied.

Enter:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman
Nelson S. Román, Justices.

-----X

The People of the State of New York
ex rel. James Kousouros, Esq., on
behalf of Manuel Ramirez,
Petitioner-Appellant,

-against-

M-1295
Index No. 06004N/09

Warden, Manhattan Island Detention
Center, 125 White Street, New York,
New York,
Respondent-Respondent.

-----X

Petitioner having taken an appeal from an order of the Supreme Court, New York County, entered on or about March 1, 2010, which denied petitioner's writ of habeas corpus petition,

And petitioner having moved to modify certain bail conditions pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion and due deliberation having been had thereon,

It is ordered that the motion is deemed one for bail modification pending hearing and determination of the aforesaid appeal and such is denied without prejudice to raising said argument directly on appeal.

ENTER:



Clerk.