

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 June 8, 2010.

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

-----X
In re L&M Bus Corp., et al.,
Petitioners-Respondents-Appellants,

-against-

The New York City Department of
Education, et al.,
Respondents-Appellants-Respondents,

M-494
M-664
M-805
Index No. 104001/08

Local 1181 of The Amalgamated Transit
Union, AFL-CIO
Intervenor-Appellant.

-----X

Petitioners-respondents-appellants having moved for clarification of this Court's decision and order entered on December 22, 2009 (Appeal No. 1001) [M-494],

And respondents-appellants-respondents The New York City Department of Education, et al. having moved for leave to appeal to the Court of Appeals from the aforesaid decision and order (M-664),

And intervenor-appellant Local 1181 of The Amalgamated Transit Union AFL-CIO having cross-moved for leave to appeal to the Court of Appeals from the aforesaid decision and order (M-805),

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

It is ordered that the motions and cross motion are 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 June 8, 2010.

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

-----X
Chachita Jimenez,
Plaintiff-Appellant,

-against-

M-1578
Index No. 22491/06

Barberan Dejimenez, Raising Star Service,
Defendants-Respondents.
-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about May 13, 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 and 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 June 8, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against- M-2116
Case No. 1948C/05

Terry Ephram,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about February 18, 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 **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.

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 June 8, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-2026
Ind. No. 1360/09

Ekkehart Schwarz,
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 25, 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, 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 June 8, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-2163
Ind. No. 6960/04

Vito Genzale,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 13, 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 **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 June 8, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-2048
Ind. No. 5519/99

Barry Green,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of resentence of the Supreme Court, New York County, rendered on or about April 15, 2009,

And assigned counsel, Robert S. Dean, Esq., having moved for an order dismissing the appeal as moot, the aforesaid judgment of resentence having been vacated by the order of the Supreme Court, New York County, entered on or about March 24, 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 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 June 8, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-2168
Ind. No. 3137/08

Valentin Velasco,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 12, 2009,

And assigned counsel, Steven Banks, Esq., having moved for an order dismissing the aforesaid appeal without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of the 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 June 8, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-2117
Ind. No. 3117/98

Sylvester Hunt,
Defendant-Appellant.

-----X

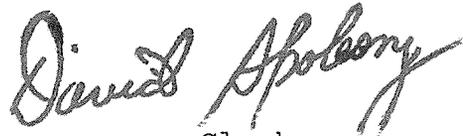
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 10, 2001, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and 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 granted only to the extent of deeming the notice of appeal timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a 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 June 8, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

-against-

M-2029
Ind. No. 4806/08

James Watley,

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 June 23, 2009, 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 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 \$7,500 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 June 8, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Antonio Mallet,
Petitioner-Appellant,

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

M-2151
Index. No. 401502/09

-against-

Jeremy Schneider of Rothman, Schneider,
Soloway & Stern, LLP, and the New York
City Police Department,
Respondents-Respondents.

-----X
Petitioner 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 November 12, 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.

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 June 8, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-2185
Ind. No. 1706/03

Scott Parilla,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Steven Lloyd Barrett, J.) entered on or about April 1, 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 on 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, and it is further

Ordered that the Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Barrett as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 June 8, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Laura Vazquez and Daniel Vazquez,
Plaintiffs-Appellants,

-against-

M-2233
Index No. 115513/07

JRG Realty Corp., et al.,
Defendants-Respondents.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about July 23, 2009 (mot. seq. no. 002), the judgment entered thereon on or about October 1, 2009 and from the order of said Court entered on or about November 25, 2009 (mot. seq. no. 003),

And plaintiffs-appellants having moved to withdraw the appeal taken from the order entered on or about July 23, 2009, and to consolidate the appeals taken from the judgment entered on or about October 1, 2009 and the order entered on or about November 25, 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 deeming the appeal from the order entered on or about July 23, 2009 withdrawn. The remaining appeals are consolidated and appellants are permitted to prosecute the consolidated appeals upon 10 copies of one record and of one set of appellants' points covering the appeals.

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 June 8, 2010.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. McGuire
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Reliance Construction, Ltd., etc.,
Plaintiff-Appellant,

-against-

M-1228
Index No. 601373/08

Jim Kennelly, etc., et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 4, 2010 (Appeal No. 2107),

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 June 8, 2010.

Present: Hon. Peter Tom, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

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

-against-

M-1927
Ind. No. 3895/07

Jose Sotomayor,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 17, 2009, for leave to prosecute the appeal as a poor person, 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 granted only to the extent of deeming the moving papers a timely filed notice of appeal,

The motion insofar as it seeks poor person relief is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Chris DiLorenzo, Esq., as well as the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this 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 June 8, 2010.

Present: Hon. Peter Tom, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-2177
Ind. No. 5248/08

Vincent Barone,

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 April 7, 2010, for leave to have the appeal heard on 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 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 serve one copy of such brief upon the District Attorney of said county and file ten 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.

Defendant-appellant's time in which to perfect the appeal is 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 June 8, 2010.

Present: Hon. Peter Tom, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Nizam Peter Kettaneh and Howard
Lepow,
Petitioners-Appellants,

-against-

M-2257
Index No. 113227/08

Board of Standards and Appeals of
the City of New York, et al.,
Respondents-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 24, 2009 (mot. seq. no. 001),

And petitioners-appellants having moved for an order enlarging the time in which to perfect the aforesaid appeal and directing that petitioners' appeal be calendared for hearing together with the appeal, *Landmark West! v NYC Board of Standards and Appeals*, Index No. 650354/08,

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 only to the extent of enlarging the time in which to perfect the appeal to on or before September 7, 2010 for the November 2010 Term, and is otherwise 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 June 8, 2010.

Present: Hon. Peter Tom, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Mark Hardesty,

Plaintiff-Appellant,

-against-

M-1733
Index No. 112200/06

Slice of Harlem II, LLC,

Defendant-Respondent.
-----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 February 17, 2009 (mot. seq. no. 002),

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 the November 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 June 8, 2010.

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

-----X
Avivith Oppenheim, et al.,
Plaintiffs-Appellants-Respondents,

-against-

Mojo-Stumer Associates Architects,
P.C., etc., et al.,
Defendants-Respondents-Appellants,

M-663
Ind. No. 602408/06

Joseph Viscuso,
Defendant.

-----X

Defendants-respondents-appellants having moved for reargument/resettlement of the decision and order of this Court entered on January 5, 2010 (Appeal No. 1924),

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 the extent it seeks reargument, is denied. The motion, to the extent that it seeks resettlement, is granted only to the extent of amending the decision and order of this Court entered on January 5, 2010 (Appeal No. 1924) by deleting "...the individual defendants" from page 30, line 13, and replacing it with "...Viscuso's and Stumer's respective".

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 June 8, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
Karla Moskowitz, Justices.

-----X
Hayden Williams, et al.,
Plaintiffs,

-against-

M-399
Index Nos. 18019/04
84158/04

The City of New York, et al.,
Defendants.

- - - - -

New York State Dormitory Authority,
Third-Party Plaintiff-Respondent,

-against-

F&R Installers,
Third-Party Defendant-Appellant.

-----X

Third-party defendant-appellant F&R Installers 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 November 5, 2009 (Appeal No. 1352),

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 for reargument is granted and, upon reargument, the Court adheres to its determination in a revised memorandum. The decision and order of this Court entered November 5, 2009, is recalled and vacated and a revised decision and order substituted therefor (See Appeal No. 1352, decided simultaneously herewith). The motion is otherwise 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 June 8, 2010.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of

Kimberly Thompson,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

M-1810
Index No. 402573/08

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about February 6, 2009 (mot. seq. no. 001),

And an order of this Court having been entered on March 30, 2010 (M-841/M-934), inter alia, dismissing the proceeding,

And petitioner having moved for reargument of the order of this Court entered on March 30, 2010 (M-841/M-934),

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 June 8, 2010.

Present: Hon. Angela M. Mazzairelli, 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,

Appellant,

-against-

Anthony Caldwell,

Defendant-Respondent.
-----X

M-1329
M-269
Ind. No. 5645/06

An appeal having been taken by the People from the order of the Supreme Court, New York County, rendered on or about April 2, 2009,

And the People having moved by sequential motions for an enlargement of time in which to perfect the aforesaid appeal (M-1329/M-269),

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

It is ordered that the motions are granted to the extent of enlarging the time in which to perfect the appeal 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 June 8, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. McGuire
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-2338
Ind. No. 829/08

Nathan Sams,
Defendant-Appellant.
-----X

An order of this Court having been entered on May 5, 2009 (M-1711), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 31, 2009, and assigning Robert S. Dean, Esq., the Center for Appellate Litigation, as counsel for purposes of prosecuting the appeal,

And defendant-appellant having moved for leave to substitute assigned counsel or, in the alternative, for leave to file a pro se supplemental brief in connection with the aforesaid appeal, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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 directing defendant to serve and file 10 copies of his pro se supplemental brief on or before August 9, 2010 for the October 2010 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned. The motion is otherwise 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 June 8, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. McGuire
Karla Moskowitz
Helen E. Freedman, Justices.

-----X
Winston Chiu,
Plaintiff-Respondent-Appellant,

-against-

1-9 Bondst Realty Inc., doing business
as 1-9 Bond St. Realty Inc. and Man
Choi Chiu,
Defendants-Appellants-Respondents.
-----X

M-2113
M-2261
Index No. 601124/09

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

And plaintiff-respondent having moved for an order dismissing defendants' direct appeal (M-2113),

And defendants-appellants having cross-moved for an order enlarging the time in which to perfect the direct appeal (M-2261),

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 to dismiss defendants-appellants' direct appeal is denied (M-2113). The cross motion is granted to the extent of enlarging the time of the parties in which to perfect the appeal and cross appeal to the September 2010 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof. Should defendants fail to so perfect the direct appeal, plaintiff is directed to perfect the cross appeal as a direct appellant for the next available term of Court.

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 June 8, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Arthur Morrison,
Plaintiff-Appellant,

-against-

M-1986
Index No. 404055/02

Thomas F. X. Dunn,
Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 14, 2006,

And an order of this Court having been entered on November 18, 2008 (M-4422), inter alia, dismissing said appeal,

And plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the order of this Court entered on November 18, 2008 (M-4422),

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 June 8, 2010.

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

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

-against-

Alejandro Urena,
Defendant-Appellant.

M-1268
M-1726
Ind. No. 2094/07

-----X
The People having moved to dismiss the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 14, 2008 (M-1268),

And defendant-appellant having moved for leave to prosecute said appeal as a poor person, to have the appeal heard on the original record and upon a reproduced appellant's brief (M-1726),

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

It is ordered that appellant's motion (M-1726) 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 (M-1726). The motion to dismiss the appeal is denied (M-1268).

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 June 8, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta
Rosalyn H. Richter, Justices.

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

-against- M-1678
Ind. No. 1816/08

Horacio Blackwood,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 22, 2009, 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, 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 M. 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 June 8, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Rosalyn H. Richter
Nelson S. Román, Justices.

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

-against-

M-1859
Ind. No. 88/04

Israel Negron,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about February 22, 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 **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.

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 June 8, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Mohamed Kebbeh,

Plaintiff-Appellant,

-against-

M-1444
Index No. 6375/07

AFMM, LLC, et al.,

Defendants-Respondents.

-----X
(And a third-party and second third-
party action)

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 16, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Dinkes & Schwitzer, P.C., Beth Diamond, Esq., dated May 17, 2010, and due deliberation having been had thereon,

It is ordered that the motion and the appeal are deemed withdrawn in accordance with the aforesaid correspondence.

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 June 8, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Diane Gantt and Leroy Gantt,
Plaintiffs-Appellants,

-against-

M-1607
Index No. 104288/06

Roslyn Leasing, Inc., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 18, 2009 (mot. seq. no. 001),

And George A. Kohl, II, Esq., Jacoby & Myers, LLP, having moved to withdraw as counsel for plaintiffs-appellants,

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 withdraw as counsel is granted on condition counsel for plaintiff serves a copy of this order upon all parties within 10 days of 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 June 8, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

Appellant,

-against-

M-1802
Ind. No. 6738/02

Sean Austin,

Defendant-Respondent.
-----X

Defendant having moved for leave to respond, as a poor person, to the People's appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about March 23, 2010, and for assignment of counsel,

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) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the District Attorney of said County and 10 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal.

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 June 8, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

Respondent,

M-1464

M-1588

-against-

Ind. No. 6127N/06

Eddy Pena,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 12, 2007,

And defendant having moved for an enlargement of time in which to perfect the aforesaid appeal (M-1464),

And the People having cross-moved to dismiss the aforesaid appeal (M-1588),

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 defendant's motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 2010 Term (M-1464). The cross motion is denied (M-1588).

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 June 8, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Tadco Construction Corp.,

Plaintiff-Appellant-Respondent,

-against-

Gottesman, Wolgel, Malamy, Flynn
& Weinberg, P.C., et al.,

Defendants-Respondents-Appellants,

Centennial Insurance Company,

Defendant-Respondent-Appellant.
-----X

M-1815

M-2071

M-2186

Index No. 603259/06

An appeal and cross-appeals having been taken from the order of the Supreme Court, New York County, entered on or about May 26, 2009 (mot. seq. nos. 006/007),

And the respective parties having moved and cross-moved for an enlargement of time in which to perfect their respective appeal and cross appeals (M-1815/M-2071/M-2186),

Now, upon reading and filing the papers with respect to the motion and cross motions, and the stipulation of the parties, dated March 24, 2010, and due deliberation having been had thereon,

It is ordered that the motion and cross motions are granted to the extent of enlarging the time in which to perfect the appeal and cross appeals to the September 2010 Term. The appeal taken from the order of transfer of said Court entered on or about May 29, 2010 is deemed 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 June 8, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

-against- M-2045
Ind. No. 5450/03

Miguel Perez,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order denying resentence of the Supreme Court, New York County, entered on or about April 8, 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 pursuant to Sec 722 of the County Law. 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 June 8, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-2099
Ind. No. 5760/08

Edward Benitez,

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 September 2, 2009, 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 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 June 8, 2010.

Present - Hon. David Friedman, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

-against-

M-2404
Ind. No. 3792/06

Christopher Seymore,
Defendant-Appellant.
-----X

An order of this Court having been entered on January 8, 2008 (M-6351), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 25, 2007, and assigning Steven Banks, Esq. as counsel for purposes of prosecuting the appeal,

And defendant-appellant having moved for leave to substitute assigned counsel or, in the alternative, for leave to file a pro se supplemental brief in connection with the aforesaid appeal, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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 directing defendant to serve and file 10 copies of his pro se supplemental brief on or before August 9, 2010 for the October 2010 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned. The motion is otherwise 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 June 8, 2010.

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

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

Appellant,

-against-

M-1612A
Ind. No. 9280/99

Jerry Williams,

Defendant-Respondent.
-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal taken from the judgment of resentence of the Supreme Court, New York County, rendered on or about March 17, 2010, and for assignment of counsel,

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) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the District Attorney of said County and 10 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal. (The order of this Court entered on May 18, 2010 [M-1612] is hereby recalled and vacated.)

ENTER:


Clerk.

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

-----X

The People of the State of New York,
Respondent,

M-606
Ind. No. 350/07

-against-

CERTIFICATE
GRANTING LEAVE

Ernest Nelson,
Defendant-Appellant.

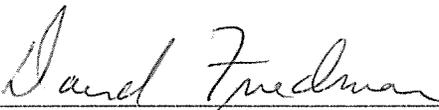
-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the Order of the Supreme Court, New York County, entered on or about January 6, 2010.¹

Dated: New York, New York
May 25, 2010

ENTERED

JUN 08 2010



DAVID FRIEDMAN
Justice of the Appellate Division

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-1987
Ind. No. 8439/94

-against-

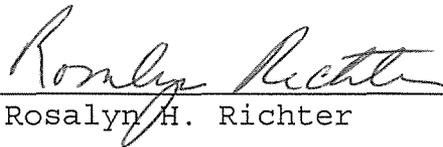
CERTIFICATE
DENYING LEAVE

Nyeem Adams,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application 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, Bronx County, entered on or about January 19, 2010, is hereby denied.



Hon. Rosalyn H. Richter

Dated: May 17, 2010
New York, New York

ENTERED: JUN 08 2010

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

BEFORE: Hon. Sheila Abdus-Salaam
Justice of the Appellate Division

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

M - 2209
Ind. No. 2197/95

-against-

CERTIFICATE
DENYING LEAVE

Roger Forbes

Defendant.

-----X

I, Sheila Abdus-Salaam, 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, Bronx County, entered on or about January 20, 2010 is hereby denied.

SA-B
Associate Justice

Dated: May 17, 2010
New York, New York

ENTERED: JUN 08 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-1601
Ind. No. 635/95

-against-

CERTIFICATE
DENYING LEAVE

John Garrick,

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 two (2) orders of the Supreme Court, New York County, rendered on July 15, 2009 and October 22, 2009 are hereby denied.



Associate Justice

Dated:
New York, New York

ENTERED: JUN 08 2010

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

JUN 8 2010

Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----x

In the Matter of Graham R. Taylor,
(admitted as Graham Roderick Taylor),
an attorney and counselor-at-law:

Departmental Disciplinary Committee M-1821
for the First Judicial Department,
Petitioner,

Graham R. Taylor,
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent, Graham R. Taylor, was admitted to the Bar of the
State of New York at a Term of the Appellate Division of the
Supreme Court for the First Judicial Department on June 20,
1979.

Alan W. Friedberg, Chief Counsel, Departmental
Disciplinary Committee, New York
(Raymond Vallejo, of counsel), for petitioner.

Respondent pro se.

M-1821 (May 7, 2010)

IN THE MATTER OF GRAHAM R. TAYLOR, AN ATTORNEY

Per Curiam

Respondent Graham Roderick Taylor was admitted to the practice of law in the State of New York by the First Judicial Department on June 20, 1979. He resides in California where he is also admitted to the bar.

On January 24, 2008, respondent was convicted, upon a guilty plea, in the United States District Court for the District of Utah, of conspiracy to defraud the United States in violation of 18 USC § 371, a felony under the Code, for his participation in a tax fraud scheme extending from 1997 to 2003, in which he devised, marketed, and implemented a tax shelter in aiding two clients to evade income taxes. On October 29, 2009, respondent was sentenced to three years probation and a \$125,000 fine.

The Disciplinary Committee seeks an order accepting respondent's affidavit of resignation from the practice of law pursuant to 22 NYCRR 603.11 and striking his name from the roll of attorneys.¹ Respondent has fully complied with the requirements of Court Rule 603.11. Specifically, he acknowledges that he is the subject of an investigation by the Disciplinary

¹Respondent, who is proceeding pro se, has submitted an application to resign from the California Bar, which is currently pending.

Committee into allegations of professional misconduct arising from his federal conviction, he could not successfully defend himself on the merits against any charges predicated upon those allegations, he submits his resignation freely, voluntarily and without coercion or duress, and he is fully aware of the implications of submitting his resignation.

This Court has previously accepted resignations of attorneys who have pleaded guilty to federal felonies (see e.g. *Matter of Palazzolo*, 38 AD3d 66 [2007] [resignation accepted of attorney who pled guilty to conspiracy to commit securities fraud]; *Matter of Bolan*, 28 AD3d 172 [2006] [resignation accepted of attorney who pled guilty to misprision of a felony]; *Matter of Percy*, 14 AD3d 26 [2004] [resignation accepted of attorney who pled guilty to conspiracy to defraud the U.S.]).

Accordingly, the petition should be granted pursuant to Rule 603.11 and respondent's name stricken from the roll of attorneys in New York, effective nunc pro tunc to December 12, 2009.

All Concur.

Order filed.

PM ORDERS

ENTERED

JUNE 8, 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 June 8, 2010.

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

-----X
Kenzie Godfrey,
Plaintiff-Respondent-Appellant,

-against-

G.E. Capital Auto Lease, Inc.,
et al.,
Defendants-Respondents,

M-1109B
M-1297B
Index No. 7963/02

Balhar Singh, Resihma Singh and
Boating Adjei,
Defendants-Appellants-Respondents.

-----X
(And a third-party action)

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 29, 2009,

And defendants-appellants-respondents having moved for an enlargement of time in which to perfect the direct appeal (M-1109B),

And defendant-respondent G.E. Capital Auto Lease, Inc. having cross-moved to dismiss plaintiff's cross appeal (M-1297B),

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 to enlarge time (M-1109B) is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the September 2010 Term. Should defendants-appellants-respondents fail to perfect the direct appeal, plaintiff is directed to perfect the cross appeal as a direct appellant for the October 2010 Term of Court. The cross motion to dismiss plaintiff's cross appeal (M-1297B) is granted unless the cross appeal is perfected as indicated, on condition that defendant-respondent serves a copy of this order on all parties within 10 days of the date of entry hereof. The orders of this Court entered on May 6, 2010 (M-1109/M-1297) and May 27, 2010 (M-1109A/M-1297A), respectively, are hereby recalled and 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 June 8, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Group IX, Inc.,
Plaintiff-Appellant-Respondent,

-against-

M-2346

M-2711

Index No. 601034/07

Next Printing & Design, Inc. and David Moyal,
Defendants-Respondents-Appellants,

Shmulik Groschtern,
Defendant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 8, 2010,

And plaintiff-appellant-respondent having moved for an order granting leave to file a supplemental record on appeal, including a certain affidavit, and for related relief (M-2346),

And defendants-respondents-appellants having cross-moved for leave to file a revised reply brief with respect to said supplemental record on appeal should plaintiff's motion be granted, and for related relief (M-2711),

Now, upon reading and filing the papers with respect to the motion and cross motion, and the stipulation of the parties, dated May 24, 2010, and due deliberation having been had thereon, it is

Ordered that the motion and cross motion are granted in accordance with the stipulation of the parties dated May 24, 2010.

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 June 8, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

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Group IX Inc.,
Plaintiff-Appellant-Respondent,

-against-

M-1846
Index No. 601034/07

Next Printing & Design Inc. and David
Moyal,
Defendants-Respondents-Appellants,

-and-

Shmulik Groschtern,
Defendant.

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Defendants-respondents-appellants having moved for a stay of trial pending hearing and determination of the appeal and cross appeal taken from the order of the Supreme Court, New York County, entered on or about January 8, 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 granted.

ENTER:



Clerk.