

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 10, 2010.

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

-----X
Joseph Bevilacqua, Robert Rudaj and
Martin Cekaj,
Plaintiffs-Respondents,

-against-

M-2579X
Index No. 301195/08

Cindy Allen Eckard, Mary Anne Eckard,
Defendants,

Barry Djibril and Malema Car Services,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 22, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 6, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 10, 2010.

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

-----X
Robert F. Parker,

Plaintiff-Appellant,

-against-

M-2580X
Index No. 602579/08

Clear Skies Solar, Inc., and its
wholly owned subsidiary, Clear Skies
Group, 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 August 17, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 6, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 10, 2010.

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

-----X
Chelsea/Village Associates, LLC,

Plaintiff-Appellant,

-against-

M-2581X
Index No. 650297/09

Operations NY LLC,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 22, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 6, 2010, and due deliberation having been had thereon,

It is ordered that the appeal 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 June 10, 2010.

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

-----X
Peckar & Abramson, P.C.,

Plaintiff-Appellant,

-against-

M-2593X
Index No. 100005/09

Lyford Holdings, Ltd., et al.,

Defendants-Respondents.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 7, 2010, and due deliberation having been had thereon,

It is ordered that the appeal 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 June 10, 2010.

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

-----X
Hudson Valley Bank, N.A.,
Plaintiff-Respondent,

-against-

M-2594X
Index No. 603082/09

Andrew Velez,
Defendant-Appellant,

Lois Velez,
Defendant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about March 8, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 10, 2010, and due deliberation having been had thereon,

It is ordered that the appeal 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 June 10, 2010.

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

-----X
Edward Brown,
Plaintiff-Respondent,

-against-

M-2595X
Index No. 24719/06

D.K. Transit Inc., and Muhammad A. Khan,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 31, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 10, 2010, and due deliberation having been had thereon,

It is ordered that the appeal 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 June 10, 2010.

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

-----X
Arbor Realty Funding, LLC,
Plaintiff-Respondent,

-against-

East 51st Street Development
Company, LLC, etc., et al.,
Defendants,

M-2378
Index No. 602186/08

Thyssenkrupp Safway, Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 2, 2009 (mot. seq. no. 002),

Now, upon reading and filing the stipulation between defendant-appellant Thyssenkrupp Safway, Inc. and plaintiff-respondent Arbor Realty Funding, LLC, filed April 23, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the May 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 June 10, 2010.

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

-----X
Dragisa Jovicevic,
Plaintiff-Respondent,

-against-

M-2618
Index No. 108337/06

Structure Tone, Inc., Donnelly
Mechanical Corp. and Latham & Watkins,
LLP,
Defendants.

-----X
Donnelly Mechanical Corp.,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 591085/06

Alfa Piping Corp.,
Third-Party Defendant-Appellant.

-----X

Appeals having been taken to this Court by third-party defendant Alfa Piping Corp. from the orders of the Supreme Court, New York County, entered on or about March 4, 2009 (mot. seq. no. 004), and March 9, 2009 (mot. seq. no. 005), respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated May 7, 2010, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the May 2010 Term, 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 June 10, 2010.

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

-----X
Dragisa Jovicevic,
Plaintiff-Respondent/Respondent,

-against-

M-2620
Index No. 108337/06

Structure Tone, Inc., Donnelly
Mechanical Corp. and Latham & Watkins,
LLP,
Defendants-Appellants/Respondents.

-----X
Donnelly Mechanical Corp.,
Third-Party Plaintiff-Appellant/Respondent,

Third-Party
Index No. 591085/06

-against-

Alfa Piping Corp.,
Third-Party Defendant-Respondent/Appellant.
-----X

Separate appeals having been taken to this Court by defendants and third-party plaintiff from the order of the Supreme Court, New York County, entered on or about December 21, 2009 (mot. seq. no. 007) and by third-party defendant from the order of said Court entered on or about December 18, 2009 (mot. seq. no. 009), respectively,

Now, upon reading and filing the stipulation of the parties hereto, dated May 7, 2010, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected on a joint record for the May 2010 Term, 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 June 10, 2010.

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

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

-against-

M-2238
Ind. No. 2289/09

Omar Daniels,
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 January 19, 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 June 10, 2010.

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

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

-against-

M-2239
Ind. No. 3481/09

Dana Frontis,
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 March 9, 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 June 10, 2010.

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

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

-against-

M-2240
Ind. No. 1417/02

John Garcia, also known as Johnny Garcia, also known as Raymond Garcia, also known as Tuto Garcia,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about December 1, 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 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 10, 2010.

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

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

-against-

M-2241
Ind. No. 4386/08

Thomas Lee,
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 September 22, 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 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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, 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 10, 2010.

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

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

-against-

M-2243
Ind. Nos. 6465/07
1308/09

Phillip McQueary,
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 August 10, 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 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 10, 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,

-against-

M-2118
Ind. Nos. 2492/04
3915/08

Carlo Franco, also known as Skippy
Franco, also known as Carlos Lamela,

Defendant.
-----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 January 5, 2009, and for leave to prosecute the appeal as a poor person, for assignment of counsel, 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. (CPL 460.30 subd.1)

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 10, 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
ex rel. Isaac Hudson,
Petitioner,

-against-

M-2130
Index No. 340726/09

Warden, Rikers Island Correctional
Center and New York State Division
of Parole,
Respondents.

-----X

By an undated notice of appeal received in this Court on March 2, 2010, petitioner appeals the order of the Supreme Court, Bronx County, entered on or about November 18, 2009, which dismissed a habeas corpus proceeding,

And petitioner having moved for leave to have the purported appeal heard on the original record and upon a reproduced appellant's brief, 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 denied, without prejudice to renewal upon petitioner's submission of a notarized affidavit in compliance with CPLR 1101(a), including any exhibits which demonstrate that the appeal has been timely taken.

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 10, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Peter F. Edelman,
Plaintiff-Appellant,

-against-

M-1321
Index No. 116230/07

Claudia Poster,
Defendant-Respondent.

-----X

Defendant-respondent having moved for an order certifying questions to the Court of Appeals pursuant to CPLR 5602(b) from the decision and order of this Court entered on February 4, 2010 (Appeal No. 1436),

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 10, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
R&R Capital LLC and FTP Capital LLC,
Plaintiffs-Appellants,

-against-

M-2279
M-2280
Index No. 604080/05

Linda Merritt, also known as Lyn
Merritt,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for a stay of Supreme Court proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 5, 2010 (M-2279), and for additional relief,

And, Hogan & Hartson, LLP (Bertrand C. Sellier, of counsel) former counsel for defendant-respondent having moved for a stay of all proceedings pending herein and determination of the aforesaid appeal and for leave to intervene in said appeal (M-2280),

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 by plaintiffs-appellants is granted to the extent of staying proceedings herein on condition that the appeal is perfected on or before August 9, 2010 for the October 2010 Term; the motion is otherwise denied (M-2279). The motion by defendant-respondent is granted to the extent of staying the proceedings and granting leave to intervene on condition the intervenor files its main brief on or before August 9, 2010 for said October 2010 Term (M-2280).

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 10, 2010.

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

-----X
In the Matter of the Application of
Leonard Walker,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-2260
Index No. 402234/09

-against-

The New York State Division of
Parole,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about February 18, 2010 (mot. seq. no. 001), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, 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 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 10, 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
ex rel. Lyndon Roach,
Petitioner,

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

-against-

M-1413
Index No. 3782/07

Honorable Maxwell Wiley, A Justice
of the Supreme Court, New York County,
John T. Bandler, Assistant District
Attorney, County of New York,
Respondents.

-----X

Petitioner, pro se, having moved for an order of this Court, in the nature of a writ of mandamus, vacating an order of the Supreme Court, New York County, entered on or about March 3, 2009, for leave to prosecute said proceeding as a poor person, and for related relief,

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

It is ordered that the petition is denied and the proceeding dismissed. So much of the motion which seeks leave to prosecute the aforesaid proceeding as a poor person is denied as academic.

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 10, 2010.

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

-----X
Isaac Litchfield and Oleh Sharanevych,
Plaintiffs-Appellants,

-against-

M-2107

M-2227

Mark M. Altschul and Altschul &
Altschul,
Defendants-Respondents.

Index No. 109296/08

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about December 15, 2009 and from the judgment of said Court, entered on or about February 5, 2010, and from the underlying amended order entered on or about January 27, 2010,

And defendants having moved to strike plaintiffs' appeal from the order entered on or about December 15, 2009 and to impose Rule 130-1 sanctions upon plaintiffs and their attorney (M-2107),

And plaintiffs having cross-moved for consolidation of the aforesaid appeals and to impose Rule 130-1 sanctions upon defendants and their attorney (M-2227),

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 dismissing plaintiffs' appeal taken from the order entered on or about December 15, 2009. So much of the cross motion which seeks to consolidate the appeals is denied, as academic. The motion and cross motion are 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 10, 2010.

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

-----X
Ogisu Corp.,
Petitioner,

-against-

M-1773
Index No. 570490/09

Margaret Allen,
Respondent-Respondent,

Waidmann Realty Corp.,
Respondent-Appellant.
-----X

Respondent-respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about November 12, 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.

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 10, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Marcos Castellon and Sandra Castellon,
Plaintiffs,

-against-

M-2435
Index No. 7508/05

SMI Construction Management, Inc.,
Defendants.

-----X
SMI Construction Management, Inc.,
Third-Party Plaintiff-Respondent,

-against-

Third Party
Index No. 14236/05

Rose Demolition and Carting, Inc.,
Third-Party Defendant-Appellant.

-----X
John Reinsberg and Lori Reinsberg,
Second Third-Party Plaintiff,

-against-

Third Party
Index No. 55164/06

SMI Construction Management, Inc.,
Second Third-Party Defendant.

-----X

Third party/defendant-appellant Rose Demolition and Carting, Inc. 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 April 13, 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 June 10, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Chana Ringel,

Plaintiff-Respondent,

-against-

M-2442
Index No. 311906/07

Binyomin Rogosnitzky, also known
as Kenny Rogosnitzky,

Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 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 June 10, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. McGuire
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
Mona Berkowitz,
Plaintiff,

-against-

M-2628
Index No. 114857/08

Marriott Hotel Services, Inc.,
Marriott Hotel Services, Inc.,
doing business as Sea View Resort
and Spa, LaSalle Hotel Properties
and LaSalle Hotel Lessee, Inc.,
Defendants.

-----X

Defendants having moved for a stay of trial, and related relief pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 22, 2010 (mot. seq. no. 004), including a preference in the hearing of said 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.

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 10, 2010.

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

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

America M.,
Petitioner-Respondent,

-against-

M-1748
Docket No. O-43774/09

Christine A.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the certified transcript of the Family Court, New York County, dated March 8, 2010, 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 denied, with leave to renew upon submission of a signed order or so ordered certified transcript from the Family 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 10, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Kemper Independence Insurance Company,
Plaintiff-Respondent,

-against-

O&M Medical P.C., Top Strata Medical,
also known as Top Strata Medical P.C.,
Acupuncture Healthcare Plaza, also known
as Acupuncture Healthcare Plaza I P.C.,
Andrew Lopedote, D.C., Mutual Care Medical
Supply, also known as Mutual Care Medical
Supply Inc., Middle Village Diagnostic
Imaging, also known as Middle Village
Diagnostic Imaging, P.C., Modern Art,
P.C., also known as Modern Art Medical,
P.C. and Khaliq Baldwin,
Defendants,

M-1758
Index No. 100217/08

All Boro Psychological Services, also
known as All Boro Psychological Services,
P.C.,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 19, 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 denied. Sua sponte, the matter is referred to the Office of Referees, Supreme Court, New York County, for a traverse hearing with respect to the issue of service of the order with notice of entry upon defendant-appellant, with leave to the respective parties to move in this Court to confirm or disaffirm the referee's decision.

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 10, 2010.

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

-----X
Success, LLC; R & D Films, Inc.;
Bad Company Films; Ethan Goldman;
and Aldo LaPietra,
Plaintiffs-Respondents,

-against-

M-2282
Index No. 117138/06

Stonehenge Capital Company, LLC,
Defendant-Appellant,

W. Stephen Keller,
Defendant-Appellant,

Alan Brown, et al.,
Defendants.

-----X

Defendant-appellant, W. Stephen Keller, having moved for consolidation of the appeals taken from the order of the Supreme Court, New York County, entered on or about February 23, 2010 (mot. seq. nos. 005, 006),

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 appellants to prosecute the consolidated appeals upon 10 copies of one record and of one set each of appellant's points covering said 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 10, 2010.

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

-----X
In the Matter of a Paternity
Proceeding Under Article 5 of
the Family Court Act.

Commissioner of Social Services,
on behalf of Jeannette G.,
Assignor-Respondent,

M-2174
Docket No. P12815/08

-against-

Angel R.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about March 3, 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 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 10, 2010.

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

-----X
Luis E. Flores and Kesler Miguel,
Plaintiff,

-against-

M-2284
Index No. 17436/05

13th Street Associates, L.P.,
Defendant-Respondent,

O.M.G., Inc.,
Defendant-Appellant,

ELJEF Management Corp., David Z.,
Virginia Lighting Fixtures, Inc.
and Virginia Construction and
Management, Inc.,
Defendants.

-----X
(And two other actions)
-----X

Defendant-appellant O.M.G., Inc., 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 15, 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 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 10, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Angela M. Mazzairelli
Eugene Nardelli
John T. Buckley, Justices.

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

-against-

M-4554
Ind. No. 5501/94

Angel Ayala, also known as Louis Ayala,
also known as Pito,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 28, 2000 (Appeal No. 1711), unanimously affirming a judgment of the Supreme Court, New York County (Leslie Crocker Snyder, J.), rendered on January 30, 1996,

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 June 10, 2010.

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

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

Kalihil El Bey,
Petitioner-Appellant,

For an Order Pursuant to Article 78
of the Civil Practice Law and Rules,

M-2202
Index No. 401066/09

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

Petitioner-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 14, 2010 (mot. seq. no. 001), 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 denied, and sua sponte, the appeal is dismissed as untimely.

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 10, 2010.

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

-----X
97th Street Holdings, LLC,
Plaintiff-Appellant,

-against-

M-2072
Index No. 102105/09

East Side Tenants Corporation,
Defendant-Respondent.

- - - - -
Nicholas Toumbekis (as escrow agent)
-----X

Defendant-respondent having moved for an order dismissing plaintiff-appellant's appeal taken from the order of the Supreme Court, New York County, entered on or about January 21, 2010 (mot. seq. no. 001),

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 August 9, 2010 for the October 2010 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the 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 in the County of New York on June 10, 2010.

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

-----X

In the Matter of the Application
for an order staying the arbitration
between IDS Property Casualty Insurance
Co.,

Petitioner-Appellant,

M-1839

Index No. 104916/09

-against-

Charles Wynter,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 26, 2010 (mot. seq. no. 002),

And petitioner-appellant having moved to stay arbitration 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.

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 10, 2010.

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

-----X
Gain Sun Corp.,
Petitioner-Respondent,

-against-

M-1667
Index No. 570456/09

Mujin Huang,
Respondent-Appellant,

-and-

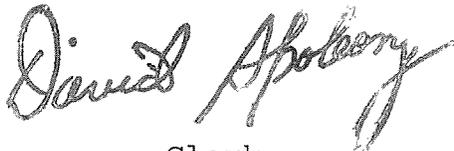
"John Doe" and "Jane Doe,"
Respondents.

-----X
Respondent-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about December 21, 2009, 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 denied.

ENTER:



Clerk.

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-2211
Ind. No. 6608/06

-against-

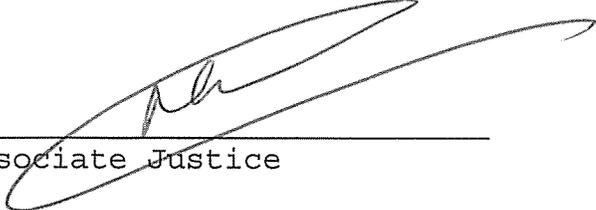
CERTIFICATE
DENYING LEAVE

Ronald Loadholt,

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 21, 2009 is hereby denied.



Associate Justice

Dated:
New York, New York

ENTERED: JUN 10 2010

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.

-----X
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.

-----X

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.