

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 May 4, 2010.

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

-----X
William M. Fleischer,
Plaintiff-Respondent,

-against-

M-1602
Index No. 109040/08

New York City Transit Authority,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 8, 2009 (mot. seq. no. 001),

Now, upon reading the stipulation of the parties hereto, filed March 22, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2010 Term, is withdrawn in accordance with the aforesaid stipulation.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 May 4, 2010.

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

-----X
Nickole Brewer,

Plaintiff,

-against-

Ford Motor Credit Company, Crystal Brown,
Regina Brown,

Defendants.
-----X

M-730
Index No. 300459/05

Defendants Crystal Brown and Regina Brown having moved to dismiss the appeal from the order of the Civil Court, Bronx County, entered on or about February 5, 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, without prejudice to defendants seeking such relief in the Appellate Term, First Department.

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 May 4, 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-1382
Ind. No. 4045/06

Andre Edmonds,
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 October 8, 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, 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.

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 May 4, 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-1383
Ind. No. 2620/06

William Hill,
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 1, 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.

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 May 4, 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-1384
Ind. No. 2218/09

David Holland,
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 2, 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 May 4, 2010.

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

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

-against-

M-1385
Ind. No. 3674/09

Devar Hurd,
Defendant-Appellant.

-----X

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

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 May 4, 2010.

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

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

-against-

M-1386
Ind. No. 4844/08

Anthony Jackson,
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 8, 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 May 4, 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-1387
Ind. No. 5258/08

Christopher 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 9, 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 May 4, 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-1388
Ind. No. 650/08

Vincent Luckerson,
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 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 May 4, 2010.

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

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

-against-

M-1389
Ind. No. 1094/07

William Mitchell,
Defendant-Appellant.

-----X

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

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 May 4, 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-1391
Ind. No. 1522/09

Luis Vargas, also known as Luis
Torres,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 26, 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.

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 May 4, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 7 of the
Family Court Act.

- - - - -
Lisa S.,
Petitioner-Respondent.

M-1048
Docket No. O-22597/09

-against-

Raymond S.,
Respondent-Appellant.

-----X

Petitioner-respondent mother having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about October 28, 2009, for the assignment of counsel, a free copy of the transcript, 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 (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 385 Warburton Avenue, Hastings on Hudson, NY 10706, Telephone No. (914) 439-4843, as counsel for purposes of responding to the appeal; (2) 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 attorney for appellant and 10 copies thereof are filed with this 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 May 4, 2010.

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

-----X
Morrison Cohen LLP,

Plaintiff-Respondent,

-against-

M-911
Index No. 104100/09

David Fink,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 7, 2010 (mot. seq. no. 001), and from the judgment of said Court entered on or about January 12, 2010,

And plaintiff-respondent having moved for an order directing appellant to expeditiously perfect 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 granted to the extent of directing defendant-appellant to perfect the appeal for the September 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

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

-----X
Angelo Diaz,
Plaintiff-Respondent/Respondent-
Appellant,

-against-

M-998
Index No. 116703/03

The City of New York,
Defendant-Appellant/Appellant-
Respondent.

-----X

Appeals having been taken by defendant from the order of the Supreme Court, New York County, entered on or about May 7, 2009 (mot. seq. no. 001), and from the judgment of said Court, entered on or about September 4, 2009; and a cross appeal having been taken by plaintiff from said judgment of the Supreme Court,

And defendant having moved for an enlargement of time in which the parties may perfect the respective appeals and cross appeal,

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

Ordered that, sua sponte the appeals and cross appeal are consolidated, and the motion is granted to the extent of enlarging the time in which to perfect the appeals 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.

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 May 4, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Keira M. Broderick, an infant by her
Mother and Natural Guardian Edith M. Lee
and Edith M. Lee Individually,
Plaintiffs-Appellants,

-against-

M-520
Index No. 24420/03

RY Management Co., Inc., Grote Street
Associates, Twin Parks Northeast
Associates, L.P., Twin Parks Northeast
Site II Houses, Inc.,
Defendants-Respondents,

-and-

Linda M. Lanier,
Defendant.

-----X

Defendants-respondents 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 December 29, 2009 (Appeal No. 1251), 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 May 4, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Eugene Nardelli
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Casa Redimix Concrete Corporation,

Plaintiff-Appellant,

-against-

M-1107
Index No. 24860/05

United States Fidelity and Guaranty
Company,

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, Bronx County, entered on or about May 7, 2009,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Seth A. Mensah,

Plaintiff-Appellant,

-against-

Polytechnic University, et al.,
Defendants-Respondents,

Kennedy Space Center,
Defendant.

M-785
M-951
Index No. 107302/08

-----X

An order of this Court having been entered February 16, 2010 (M-5497), denying plaintiff-appellant's motion for reargument of the decision and order of this Court entered on December 1, 2009 (Appeal No. 1596),

And plaintiff-appellant having renewed his motion for reargument of the aforesaid decision and order of this Court entered on December 1, 2009 (Appeal No. 1596) [M-785],

And defendant Polytechnic University having cross-moved for sanctions and costs, and for related relief [M-951],

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 for reargument [M-785] is denied, with \$100 costs payable to Birona & Cohen P.C., counsel for responding defendant Polytechnic University (CPLR 8202), and the cross motion [M-951] is granted to the extent of directing plaintiff's attention to the Rules of the Chief Administrator (22 NYCRR 130-1.1 et seq.) Awards of Costs and Imposition of Financial Sanctions For Frivolous Conduct in Civil Litigation with respect to any future motion practice with respect to this action.

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 May 4, 2010.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Stephen Rosenblum,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

M-1632
Index No. 101121/09

-against-

The New York City Conflicts of Interest
Board, et al.,
Respondents-Appellants.

-----X

An appeal having been taken to this Court by the above-named respondents from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 1, 2009,

And Wendy M. Star, Esq., counsel for movants the New York State United Teachers, having moved for leave to file a brief amicus curiae in connection with 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 granted and movant is directed to immediately file 10 copies of the brief amicus curiae.

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 May 4, 2010.

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

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

-against-

M-1215
Ind. No. 3256/09

Anthony Hatcher,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 17, 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 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 May 4, 2010.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

-----x
Sirius America Insurance Company,
et al.,
Plaintiffs-Respondents,

-against-

M-1469
Index No. 600785/04

Burlington Insurance Company,
Defendant-Appellant,

K.J.S. Construction Inc., et al.,
Defendants.
-----x

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 18, 2008 (mot. seq. no. 008),

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 September 2010 Term, with no further enlargements to be granted.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

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

-----X
Elena Xenarios,

Plaintiff-Respondent,

-against-

M-729
Index No. 117061/06

Samuel Isshak and Atif Javed,

Defendants-Appellants.
-----X

Defendants-appellants 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 May 1, 2009,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

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

-----x
Rafael Jiminez,

Plaintiff-Respondent,

-against-

M-1629
Index No. 110077/07

275 Ft. Washington Associates, LLC,

Defendant-Appellant.
-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about January 12, 2010 and March 10, 2010, respectively,

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

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

It is ordered that the motion is denied, and the interim relief granted by the order of a Justice of this Court dated March 29, 2010, is hereby 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 May 4, 2010.

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

-----X
Jennifer Walker,

Plaintiff-Appellant,

-against-

M-1289
Index No. 113810/05

Ira L. Berman,

Defendant,

Insignia Douglas Elliman, LLC,
doing business as Prudential Douglas
Elliman,

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 May 11, 2009,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

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

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

Nissim Y.,
Petitioner-Appellant,

M-1363
Docket No. F4304-86/06C

-against-

Commissioner of Social Services, on
behalf of Violet Y.,
Respondents-Respondents.

-----X

Petitioner-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 May 14, 2009,

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

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

ENTER:

David Apolony
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

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

-----X
John Aiani, et al.,
Plaintiffs-Respondents,

-against-

M-2108
Index No. 603826/08

Kimberly Rabins, also known as Kimberly
Ann Rabins, Rabins & Ismael, Inc. and
Dolores E. Rabins,
Defendants-Appellants,

Clifford K. Berkley, et al., etc.,
Defendants.

-----X
Defendants-appellants having moved for a stay of proceedings pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about April 9, 2010,

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

It is ordered that the motion is denied, without prejudice to further proceedings in Supreme 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 May 4, 2010.

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

-----X
Jayne Bayer,

Plaintiff-Respondent,

-against-

M-1090
Index No. 301653/07

Steven Bayer, also known as
Steven A. Bayer,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 22, 2009,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

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

-----X
AMP Services Limited, etc.,

Plaintiff-Respondent,

-against-

M-1242
Index No. 106462/04

Walanpatrias Foundation, also known
as Doraw and Walanpatrias Stiftung,

Defendant-Appellant.

-----X
In re Assets held by Depository
Trust & Clearing Corporation,
New York, New York
-----X

Defendant-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 March 5, 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 September 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

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

-----X
Pacnet Network Ltd.,

Plaintiff-Appellant,

-against-

M-1408
Index No. 602182/08

KDDI Corporation,

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 September 17, 2009 (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 is granted to the extent of enlarging the time in which to perfect the appeal to the September 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

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

-----X
In the Matter of the Application of
Joseph Fodor and Maria Fodor,

Petitioners-Appellants,

M-1176
Index No. 112530/08

For a Judgment, etc.,

-against-

N.Y.S. Division of Housing and
Community Renewal,

Respondent-Respondent.
-----X

Petitioners-appellants having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about April 29, 2009,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

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

-----X
Shelton Stewart,

Plaintiff-Respondent,

-against-

M-1256
Index No. 13911/99

New York City Transit Authority,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about May 7, 2009,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Violetta Khotyanova,
Plaintiff-Appellant,

-against-

M-1113
Index No. 27130/02

New York Community Hospital and
Merab Krikhely, M.D.,
Defendants-Respondents.

-----X

An order of this Court having been entered January 26, 2010 (M-5419) dismissing the appeal from a judgment of the Supreme Court, Bronx County, entered on or about July 3, 2008,

And plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the aforesaid order of this Court,

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

It is ordered that the motion is 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 May 4, 2010.

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

-----X
Nicholas M., Jr., etc., et al.,
Plaintiffs-Appellants,

-against-

M-2147
Index No. 8809/06

The City of New York,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for a stay of trial and for related relief, 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 May 4, 2010.

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

-----x
Sacha Ghatan,

Plaintiff,

-against-

M-2207
Index No. 304534/08

Saadi Ghatan,

Defendant.
-----x

Plaintiff having moved, pursuant to CPLR 5704 for, inter alia, certain relief denied by a Justice of the Supreme Court, New York County, on or about April 14, 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 May 4, 2010.

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

-----X
In the Matter of

Damon Bruce W., Jr., also known
as Damon W.-M., also known as
Damon M.-W., also known as
Damon W.,

M-1050
Docket No. B-30799/06

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

- - - - -
The Children's Aid Society, et al.,
Petitioners-Respondents,

Yvonne M. G., also known as Yvonne
Denise M.,
Respondent-Appellant.

- - - - -
Karen Steinberg, Esq.,
Law Guardian for the Child.
-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about December 11, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, as

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

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

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

-----X
In the Matter of

Abeola C.,

A Person Alleged to Be a Juvenile
Delinquent,

M-1165
Docket No. D-25360/09

Appellant.
-----X

Respondent having moved for leave to prosecute the appeal from the order of the Family Court, New York County, entered on or about February 9, 2010, as a poor person, for assignment of counsel, a free copy of the transcript, 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 and pursuant to Section 35 of the Judiciary Law, Article 18b of the County Law and Section 1120 of the Family Court Act (1) Frederic P. Schneider, Esq., 40 Wall Street 28th Fl., New York, NY 10005, Telephone No. (646) 512-5730, is assigned as counsel, for purposes of prosecuting the appeal (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor¹; within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

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

-----X
In the Matter of

Elijah Jose S. and Syend Angel S.,
also known as Syende S.,

M-1320
Docket No. B6608/08
B6609/08

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

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

Jose Angel S.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq.,
Law Guardian for the Children.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, Bronx County, entered on or about January 7, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 682-2171, as counsel for purposes of prosecuting the appeal;

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

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

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

-----X
In the Matter of

Andre L.,

A Dependent Child under 18 Years of Age
Alleged to be Abused and/or Neglected M-1052
Under Article 10 of the Family Court Act. Docket No. NN12247/07

Administration for Children's Services,
et al.,
Petitioners-Respondents,

Yolanda L.,
Respondent-Appellant.

Steven Banks, Esq.,
Law Guardian for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, Bronx County, entered on or about December 8, 2009 and January 4, 2010, respectively, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, John J. Marafino, Esq., 9 West Prospect Ave., Suite 409, Mount Vervon, NY 10550, Telephone No. (914) 663-1500, as counsel for purposes of prosecuting the

May 4, 2010

appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. (See M-1052A, decided simultaneously herewith.)

ENTER:



Clerk.

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

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

BEFORE: Hon. Leland G. DeGrasse,
Justice of the Appellate Division

-----X
In the Matter of

Andre L.,

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

M-1052A
Docket No. NN12247/07

Administration for Children's Services,
et al.,
Petitioners-Respondents,

Yolanda L.,
Respondent-Appellant.

Steven Banks, Esq.,
Law Guardian for the Child.

-----X

Respondent-appellant mother having moved for a stay of the orders of the Family Court, Bronx County, entered on or about December 8, 2009 and on or about January 4, 2010, respectively, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied. (See M-1052, decided simultaneously herewith.)

Dated: April 28, 2010
New York, New York



Hon. Leland G. DeGrasse
Associate Justice

ENTERED MAY 04 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 May 4, 2010.

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

-----X
In the Matter of the Arbitration of
Certain Controversies Between,

Social Service Employees Union,
Local 371 on behalf of its member,
Bowana Robinson,

M-1327
Index No. 114870/08

Petitioner-Respondent,

-against-

City of New York, Department of Juvenile
Justice,

Respondent-Appellant.
-----X

Respondent-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 May 18, 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 September 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 4, 2010.

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

-----X
In the Matter of the Application of
Pierre Gone,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-954
Index No. 103190/08

The City of New York Police Department
and Thomas M. Prasso, Director,
License Division, NYC Police Department,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 21, 2008 (mot. seq. no. 001),

And petitioner having moved for an enlargement of time in which to perfect the aforesaid proceeding,

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 proceeding to on or before July 12, 2010 for the September 2010 Term, with no further enlargements to be granted.

ENTER:


Clerk

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-297
Ind. No. 6767/88

-against-

CERTIFICATE
DENYING LEAVE

Jerry Sanders,

Defendant.

-----X

I, Richard T. Andrias, 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 Section 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, (Michael H. Melkonian, J.), entered December 18, 2009, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York
April 16, 2010



Justice of the Appellate Division

ENTERED

MAY 04 2010

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

-against-

Ulysses Boyd,

Defendant.

M-1397
Ind. Nos. 3021/86
6793/86

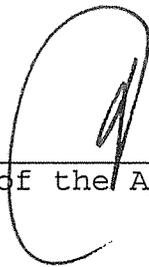
CERTIFICATE
DENYING LEAVE

-----X
I, Richard T. Andrias, 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 Section 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,
(Richard D. Carruthers, J.), entered December 16, 2009, which
denied defendant's motion pursuant to CPL 440.10, is hereby
denied.

Dated: New York, New York
April 16, 2010

ENTERED

MAY 04 2010


Justice of the Appellate Division

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M- 437
Ind. No. 6653/1999

-against-

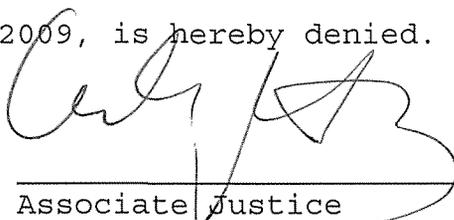
CERTIFICATE
DENYING LEAVE

Woodrow Flemming

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for a certificate deemed to be 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 that 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 September 21, 2009, is hereby denied.



Associate Justice

Dated: April 23, 2010
New York, New York

ENTERED: MAY 04 2010

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M- 1035
Ind. No. 12521/1993

-against-

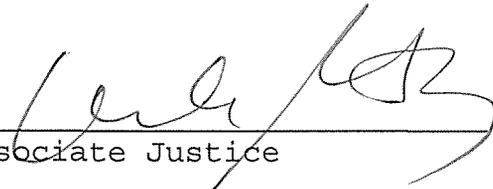
CERTIFICATE
DENYING LEAVE

Shawn Catlett

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon 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 that 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, entered on or about July 21, 2009, is hereby denied.


Associate Justice

Dated: April 23, 2010
New York, New York

ENTERED: MAY 04 2010

PM ORDERS

ENTERED

APRIL 29, 2010

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 29, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Eugene Nardelli
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In Re New York City Asbestos Litigation:

Joseph M. Link and Yvonne Link,
Plaintiffs,

-against-

M-1184
Index No. 190121/08

84 Lumber Company, et al., including
ExxonMobil Oil Corporation,
Defendants.

-----X
James J. Young, Jr.,
Plaintiff,

-against-

M-1188
Index No. 190139/09

A.O. Smith Water Products, et al.,
including York International Corporation,
Defendants.

-----X
Sidney Goldstein and Dolores Goldstein,
Plaintiffs,

-against-

A.O. Smith Water Products, et al.,
Defendants, including

Index No. 190164/09

Kaiser Gypsum Company, Inc.,
Defendant,

M-1189

Peerless Industries, Inc.
Defendant,

M-1191

84 Lumber Company,
Defendant.

M-1193
-----X

-----X
Rafael Batista, et al., Index No. 190009/09
Betty J. Christie, etc., Index No. 190113/09
John Connelly, et al., Index No. 190161/09
Sidney Goldstein, et al., Index No. 190164/09
Yvonne Link, etc., Index No. 190121/08
Lillian A. Parsons, Index No. 190026/09
Daniel Simon, et al., Index No. 190010/09
James J. Young, Jr., Index No. 190139/09

Plaintiffs,

-against-

M-1298

A.O. Smith Water Products, et al.,
Defendants.

-----X

Appeals having been taken by the respective defendants from the order of the Supreme Court, New York County, entered on or about February 23, 2010,

And the respective defendants having moved, by separate motions, to stay all trial related proceedings pending hearing and determination of the aforesaid appeals (M-1184/M-1188/M-1189/M-1191/M-1193),

And the respective plaintiffs having moved to dismiss the aforesaid appeals (M-1298),

Now, upon reading and filing the papers with respect to the motions and correspondence from Belluck & Fox, L.L.P. (Seth A. Dymond of counsel) dated March 22, 2010, and due deliberation having been had thereon, it is

Ordered that the motions and cross motions 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 April 29, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzaelli
Eugene Nardelli
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In Re New York City Asbestos Litigation:

-----X
Yvonne Link, individually and as
Executrix of the Estate of Joseph M.
Link, deceased,
Plaintiff,

-against-

M-1185
Index No. 190121/08

84 Lumber Company, et al.,
including ESG Electrical Group LLC
and Emerson Electric Co.,
Defendants.

-----X
Yvonne Link, individually and as
Executrix of the Estate of Joseph M.
Link, deceased,
Plaintiff,

-against-

M-1186
Index No. 190121/08

84 Lumber Company, et al.,
including Graybar Electric Co., Inc.,
Defendants.

-----X
Sidney Goldstein and Dolores Goldstein,
Plaintiffs,

-against-

M-1190
Index No. 190164/09

A.O. Smith Water Products, et al.,
including Farrell Lines,
Defendants.

-----X

-----X
Sidney Goldstein and Dolores Goldstein,
Plaintiffs,

-against-

M-1192

Index No. 190164/09

A.O. Smith water Products, et al.,
including Bondex International, Inc.,
Defendants.

-----X
Rafael Batista and Eleida Valdez-Batista,
Plaintiffs,

-against-

M-1194

Index No. 190009/09

A.O. Smith Water Products, et al.,
including Crane Co.,
Defendants.

-----X

Appeals having been taken by the respective defendants from
the order of the Supreme Court, New York County, entered on or about
February 23, 2010,

And the respective defendants having moved, by separate
motions and cross motions, to stay all trial related proceedings
pending hearing and determination of the aforesaid appeals (M-1185/
M-1186/M-1190/M-1192/M-1194),

Now, upon reading and filing the papers with respect to the
motions and correspondence from Andrew W. Dean/Simon Lesser P.C./
March 25, 2010 (M-1185), Shawnette A. Fluit/Barry, McTiernan & Moore/
March 22, 2010 (M-1186), Ruthe A. Nepf/Thompson Hine LLP/March 18,
2010 (M-1190), Colleen M. Cronin/Weiner Lesniak LLP/March 24, 2010
(M-1192), Michael E. Waller/K&L Gates LLP/March 22, 2010 (M-1194),
and due deliberation having been had thereon, it is

Ordered that defendants' motions for a stay of all trial related proceedings (M-1185/M-1186/M-1190/M-1192/M-1194) are deemed withdrawn in accordance with the aforesaid respective correspondence.

ENTER:

A handwritten signature in black ink that reads "David Apalony". The signature is written in a cursive, flowing style with a large, sweeping flourish at the end.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 29, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
In re Liquidation of Midland Insurance Company

- - - - -
Claims of American Standard Inc.,
et al.,
Claimants-Respondents,

-against-

M-855
Index No. 41294/86

Swiss Reinsurance America Corporation,
et al.,
Intervening Reinsurers-Appellants,

Superintendent of Insurance of the State of New York, etc., et al.,
Appellants.

-----X

Claimants-respondents (except Echlin, Inc. and The Flintkote Company) having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 12, 2010 (Appeal No. 957),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which reversed the order of Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER: 

Clerk.