

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 28, 2011.

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

-----X  
Danilo Roque, et al.,

Plaintiffs-Respondents,

-against-

M-1533X  
Index No. 16187/07

Luis A. Flores, et al.,

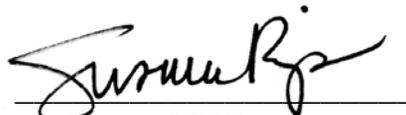
Defendants-Appellants.  
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about January 19, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 30, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 28, 2011.

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-1466  
Ind. No. 2923/04

Apolinar Roque,

Defendant-Appellant.

-----X

An appeal having been taken from judgment of the Supreme Court, Bronx County, rendered on or about July 23, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated January 20, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 28, 2011.

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

-----X

Aikio Garnes, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-1480  
Index No. 22790/02

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

-and-

Severiano Marrero,  
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 6, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed March 28, 2011, 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 April 28, 2011.

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

-----X

In the Matter of

Kapone Terrell Q., also known as  
Kapone T. Q., and  
Tia Simone Q., also known as  
Tia S. Q.,

M-708  
Docket Nos.  
B6491-2/09

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

-----  
Jewish Child Care Association,  
et al.,  
Petitioners-Respondents,

Saida Abdullah E.,  
Respondent-Appellant.

-----  
Janette Cortes-Gomez, Esq.,  
Attorney for the Children.

-----X

Assigned counsel for respondent-appellant having moved to withdraw the appeal from the order of the Family Court, Bronx County, entered on or about April 29, 2010,

Now, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal is deemed withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

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

-----X  
Aurora Contractors, Inc., et al.,  
Plaintiffs-Appellants,

-against-

M-1509  
Index No. 100300/08

Selective Way Insurance Company, et al.,  
Defendants-Respondents,

-and-

Admiral Indemnity Company, etc.,  
Defendant.

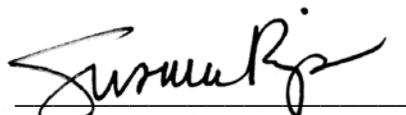
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 11, 2010 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, filed March 30, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2011 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

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

-----X  
Susan Hanna,

Plaintiff-Respondent,

-against-

M-1462  
Index No. 301954/08

Madison Square Garden Center, Inc.,  
et al.,

Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 27, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed March 29, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 2011 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

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-1535  
Ind. No. 1952N/08

Ramon Urena,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 10, 2009, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, filed March 29, 2011, and due deliberation having been had thereon,

It is ordered that the appellant's brief, previously filed for the May 2011 Term, is withdrawn without prejudice to a subsequent refiling, in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice  
Peter Tom  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta, Justices.

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

-against-

M-1075  
Ind. No. 3668/09

Richard McDaniel,  
Defendant-Appellant.

-----x

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 5, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 9 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.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

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

-----X  
Alexander M. Frame,  
Plaintiff-Respondent,

-against-

Kenneth L. Maynard, et al.,  
Defendants-Appellants.

M-62  
M-6254

R.H. Guthrie and Beatrice Guthrie,  
Cross-Claimant Plaintiffs-Respondents,

Index No. 601736/04

Caroline Paulson and Paul Hines,  
Cross-Claimant Plaintiffs-Respondents-  
Appellants,

-against-

Kenneth L. Maynard and 5008 Broadway  
Associates, LLC,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of the decision and order of this Court entered on November 18, 2010 (Appeal Nos. 2101-2102) [M-62],

And cross-claimant plaintiffs-respondents-appellants having cross-moved for the aforesaid relief [M-6254],

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

It is ordered that the motion is granted and, upon reargument, the decision and order of this Court entered on November 18, 2010 (Appeal Nos. 2101-2102) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 2101/2102/2102A/2102B, decided simultaneously herewith.) The cross motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Nelson S. Román, Justices.

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

-against-

M-908  
Ind. No. 688/07

Leroy Middleton,  
Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 5, 2010, for leave to prosecute the appeal as a poor person 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 deeming the moving papers as a timely filed notice of appeal and 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Alexander Pereira,

Plaintiff-Appellant,

-against-

M-1144  
Index No. 17575/97

The City of New York, et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the purported appeal from a jury verdict of the Supreme Court, Bronx County, rendered on or about May 25, 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 and, sua sponte, the purported appeal is dismissed, without prejudice to an appeal from a duly entered judgment.

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 28, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-1013  
Ind. Nos. 9753/98  
9753A/98

Trevor Timber,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about August 3, 2010, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
437 West 16<sup>th</sup> Street, LLC,  
Plaintiff-Respondent,

-against-

17<sup>th</sup> and 10<sup>th</sup> Associates LLC, et al.,  
Defendants-Appellants,

-and-

Moretrence American Corp.,  
Defendant-Appellant,

-and-

Bedroc Contracting, LLC,  
Defendant-Appellant,

-and-

Langan Engineering & Environmental  
Services, Inc.,  
Defendant.

-----X

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 1, 2010 (mot. seq. no. 005),

And defendants-appellants 17<sup>th</sup> and 10<sup>th</sup> Associates LLC, et al., having moved for an enlargement of time in which to perfect their aforesaid appeal (M-1009),

And defendants-appellants Moretrence American Corp. and Bedroc Contracting, LLC, having separately cross-moved for an enlargement of time in which to perfect their aforesaid appeals (M-1185, M-1282),

M-1009

M-1185

M-1282

Index No. 600100/07

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

It is ordered that the motion and cross motions are granted to the extent of enlarging the time in which to perfect the appeals, which are sua sponte consolidated, to the October 2011 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on April 28, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-979  
Ind. No. 3604/03

Victor Santana,

Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 2, 2004,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

Present: Hon. Peter Tom, Justice Presiding  
Angela M. Mazzarelli  
Rolando T. Acosta  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X

Leon Griffin,

Plaintiff-Respondent,

-against-

M-1227  
Index No. 14897/07

Clinton Green South, LLC, et al.,

Defendants-Appellants.

-----X

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about May 24, 2010,

And assigned counsel for defendants-appellants having moved to withdraw the motion for an enlargement of time to perfect the appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Shaub, Ahmuty, Citrin & Spratt, LLP (Scott Fusaro, Esq., of counsel), dated April 14, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance to 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 28, 2011.

Present: Hon. Peter Tom, Justice Presiding  
Angela M. Mazzairelli  
Rolando T. Acosta  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Zahid J. Ullah,

Plaintiff-Respondent,

-against-

M-1344  
Index No. 301223/00

Farrin B. Ullah,

Defendant-Appellant.  
-----X

Defendant-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 February 24, 2011 (mot. seq. nos. 024, 026, 027), and 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 said motion, and due deliberation having been had thereon,

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

Present: Hon. Peter Tom, Justice Presiding  
Angela M. Mazzarelli  
Rolando T. Acosta  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
In the Matter of the Application of  
John Zaborowski,

Petitioner-Appellant,

For a Judgment, etc.,

M-1250  
Index No. 115489/09

-against-

Raymond Kelly, etc., et al.,

Respondents-Respondents.

-----X

Petitioner-appellant 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 May 17, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 2011 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

Present: Hon. Peter Tom, Justice Presiding  
Angela M. Mazzarelli  
Rolando T. Acosta  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
In the Matter of a Proceeding for  
Custody and/or Visitation Under  
Article 6 of the Family Court Act.

Roxanne R.,  
Petitioner-Appellant,  
  
-against-

M-1154  
Docket No. V-10259/07

Luis A. F., and Administration for  
Children's Services-Bronx,  
Respondents-Respondents.

-----X

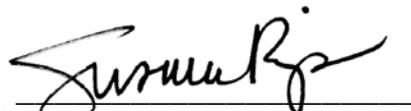
An order of this Court having been entered March 23, 2010 (M-206), inter alia, granting petitioner leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about November 20, 2009, and assigning Douglas Reiniger, Esq., as counsel to prosecute the appeal,

And petitioner-appellant having moved for an order enlarging the record on appeal to include various reports and orders from related Family Court proceedings attached as Exhibits D, E, and F to petitioner-appellant's notice of motion,

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 record on appeal to include the documents attached as exhibits D and E of the moving papers to be filed under seal in a separate volume. The motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding  
David B. Saxe  
James M. Catterson  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of

Jamal Kaireem N.,  
Markiadel Shawn N., also known as  
Merkiadel Shawn N., and  
Shamar Kaleem N.,

Children Under 18 Years of Age Alleged  
to be Neglected Pursuant to §384-b of  
the Social Services Law of the State of  
New York.

M-959  
M-1302  
Docket Nos. B-8992-4/08

- - - - -  
Seamen's Society for Children and  
Families, et al.,  
Petitioners-Respondents,

Shanikqua N.,  
Respondent-Appellant.

- - - - -  
Hal Silverman, Esq., Lawyers for  
Children,  
Attorney for the Children.

-----X  
An appeal having been taken to this Court from the orders of the Family Court, New York County, entered on or about November 23, 2009,

And petitioner-respondent agency having moved for dismissal of the aforesaid appeal (M-959),

And respondent-appellant having cross-moved for an enlargement of time to perfect the appeal (M-1302),

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

It is ordered that the motion (M-959) to dismiss the appeal is granted unless the appeal is perfected for the September 2011 Term. The cross motion (M-1302) is granted accordingly.

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 28, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding  
David B. Saxe  
James M. Catterson  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-1102  
Ind. No. 50/08

Robert McCoy,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about November 5, 2008, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file eight copies of his pro se supplemental brief to on or before July 11, 2011 for the September 2011 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 28, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding  
David B. Saxe  
James M. Catterson  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Orchard Management, Inc., et al.,  
Plaintiffs-Respondents,

-against-

J.E. Levine Builders, Inc.,  
Defendant-Appellant,

M-1182  
M-1311  
M-1340  
Index No. 602476/05

-and-

Insurance Company of Greater New York,  
242 East 25<sup>th</sup> Street, Associates, LLC,  
C. Gershon Company, Inc., J.E. Levine  
Builders, Inc., Stephen B. Jacobs, P.C.,  
Robert Director Associates, Inc.,  
The Cantor Seinuk Group, Inc., Soil  
Mechanics Drilling & Testing Corp., and  
242 East 24<sup>th</sup> Street Corporation,  
Defendants-Respondents.

-----X  
[and other actions]  
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 13, 2010 (mot. seq. no. 004),

And defendant-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal (M-1182),

And defendant-respondent Insurance Company of Greater New York having cross-moved to dismiss the appeal (M-1311),

And defendants-respondents 242 East 25<sup>th</sup> Street, Associates, LLC, C. Gershon Company, Inc. and 242 East 24<sup>th</sup> Street Corporation having separately cross-moved to dismiss the appeal (M-1340),

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

It is ordered that the motion (M-1182) is granted to the extent of enlarging the time in which to perfect the appeal to the September 2011 Term. The cross motions (M-1311, M-1340) to dismiss the appeal are granted unless the appeal is perfected for the said Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
James M. Catterson  
Karla Moskowitz  
Nelson S. Román, Justices.

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

-against-

**M-949**  
Ind. No. 844/09

Jose Rafael Silvero,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 13, 2010, for leave to prosecute the appeal as a poor person 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 deeming the moving papers a timely filed notice of appeal and 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
Oxbow Calcining USA, Inc., et al.,  
Plaintiffs-Respondents-Appellants,

-against-

M-1429  
Index No. 650972/10

American Industrial Partners, et al.,  
Defendants-Appellants-Respondents.  
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 3, 2011 (mot. seq. no. 002), and the direct appeal having been perfected,

And plaintiffs-respondents-appellants having moved to enlarge the record on appeal and to adjourn 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 adjourning the appeal and cross appeal to the September 2011 Term. The motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Nadine L.,

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

- - - - -  
Edwin Gould Services for Children,  
Petitioner-Respondent,

M-1646  
Docket No. B11269-70/06

Joseph L.,  
Respondent-Appellant.

- - - - -  
Lawyers for Children, Inc.,  
Attorney for the Child.

-----X

An appeal having been taken from the orders of the Family Court, New York County, entered on or about September 12, 2008,

And Wendy I. Luger, Esq., having moved for an order to be relieved as attorney for the subject child and to substitute other counsel to respond to the 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 assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. (212)233-0318 as attorney for the child for purposes of responding to the appeal. (See M-1647 decided simultaneously herewith).

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 28, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Natalie L.,

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

- - - - -  
Edwin Gould Services for Children and  
Families,  
Petitioner-Respondent,

M-1647  
Docket No. B-11269-70/06

Joseph L.,  
Respondent-Appellant.

- - - - -  
Lawyers for Children, Inc.,  
Attorney for the Child.

-----X

An appeal having been taken from the orders of the Family Court, New York County, entered on or about September 12, 2008,

And Rosemary Rivieccio, Esq., having moved for an order to be relieved as attorney for the subject child and to substitute other counsel to respond to the 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 assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Street, Suite 201, White Plains, NY 10601, Telephone No. (914)949-8214, as attorney for the child for purposes of responding to the appeal. (See M-1646 decided simultaneously herewith).

ENTER:

A handwritten signature in cursive script, appearing to read "Susan R. Jones", written in black ink. The signature is positioned above a horizontal line.

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 28, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-1181  
Ind. No. 206/03

Julio Fuentes,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about February 8, 2010, **denying resentence**, and said appeal having been perfected,

And defendant-appellant having moved for an order enlarging the record on appeal to include exhibits B and C to the moving papers,

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. Luis A. Gonzalez  
Presiding Justice of the Appellate Division

-----X  
Ripka Rotter & King LLP,

Plaintiff,

-against-

M-955  
Ind. No. 601796/08

Kahn Gordon Timko & Rodriguez, P.C. et al.,

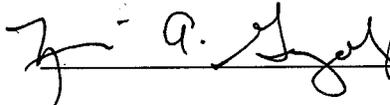
Defendants.  
-----X

Plaintiff having moved for an order pursuant to 22 NYCRR 603.7(c), directing the Office of Court Administration to release certain material, 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 in its entirety.  
(See Appeal No. 4935N, decided simultaneously herewith.)

Dated: Apr 27, 2011  
New York, New York

  
\_\_\_\_\_  
Presiding Justice

**ENTERED** APR 28 2011

STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

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

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

-against-

Blu Vaz,  
Defendant.

M-1441  
Ind. No. 2562/10

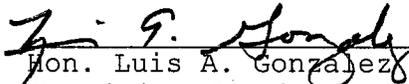
ORDER DENYING BAIL  
AFTER APPEAL TAKEN

-----X  
An appeal having been taken to this Court by the above-named defendant from the Judgment of the Supreme Court, New York County, rendered on February 15, 2011, and defendant having moved, pursuant to CPL 460.50 for a stay of execution of sentence pending hearing and determination of the aforesaid appeal, or, in the alternative, the fixing of bail pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied.

Dated: **APRIL 14**, 2011  
New York, New York

  
\_\_\_\_\_  
Hon. Luis A. Gonzalez  
Presiding Justice the Appellate Division

ENTERED:  
**APR 28 2011**

PM ORDERS  
ENTERED ON  
APRIL 26, 2011

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 26, 2011.

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

-----X

The People of the State of New York,  
Respondent,

-against-

**M-1469**

Case No. 26104C/09

Ian Ellison,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 7, 2010,

And defendant-appellant having moved for an order holding the aforesaid appeal in abeyance pending determination in Bronx Trial Term of defendant's motion seeking to vacate the judgment of conviction pursuant to CPL440.10,

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 adjourning hearing of the present appeal to the September 2011 Term of this Court. (See M-1053, decided simultaneously herewith.)

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 26, 2011.

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

-----X

The People of the State of New York,  
Respondent,

-against-

**M-1053**

Case No. 26104C/09

Ian Ellison,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 7, 2010, and said appeal having been perfected,

And an order of a Justice of this Court, dated July 8, 2010, having released defendant on his own recognizance pending determination of his appeal, and for defendant to file his appellant's brief within 120 days unless defendant obtained an order of this Court granting an extension thereof,

And an order of this Court having been entered on December 9, 2010 (M-5094), granting defendant's motion to the extent of continuing defendant's release on his own recognizance on the same conditions set forth in the order of a Justice of this Court, dated July 8, 2010, pending determination of the aforesaid appeal,

And defendant-appellant having moved for an order continuing defendant's release on own recognizance and adjourning the 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, on consent, to the extent of continuing defendant's release on own recognizance on the same conditions set forth in the prior order of a Justice of this Court, dated July 8, 2010, pending determination of the appeal which is adjourned to the September 2011 Term. (See M-1469, decided simultaneously herewith.)

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 26, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

John P. Bostany,  
Plaintiff-Respondent,

-against-

Trump Organization LLC, et al.,  
Defendants-Appellants.

-----X

(And another action)

**M-1413**

**M-1606**

Index No. 602627/08

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 18, 2010 (mot. seq. no. 010),

And defendants-appellants having moved for an order staying the trial pending hearing and determination of the aforesaid appeal (M-1413),

And plaintiff-respondent having cross-moved to adjourn the appeal (M-1606),

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 stay trial is granted. The cross motion is denied as unnecessary, said relief having been granted by the order of a Justice of this Court on April 11, 2011, adjourning the aforesaid appeal to the September 2011 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

PRESENT - Hon: Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
James M. Catterson  
Rosaly H. Richter, Justices.

-----X  
The People of the State of New York,  
etc.,  
Plaintiff-Respondent,

-against-

Maurice R. Greenberg and  
Howard I. Smith,  
Defendants-Appellants.

SEALED  
M-1619  
Index No. 401720/05

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about October 21, 2010 (mot. seq. no. 40), and said appeals having been perfected,

And the Chamber of Commerce of the United States of America having moved for leave to file a brief amicus curiae with respect to the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of directing that the amicus brief be served and filed forthwith, with plaintiff-respondent granted leave to file a supplemental respondent's brief on or before May 6, 2011, if so advised.

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 26, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Diane T. Renwick  
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of

Sabrina D.,

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

**M-1684**  
Docket No. NN27988/08

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

Nicolas D.,  
Respondent-Appellant.

- - - - -  
Randall Carmel, Esq.,  
Attorney for the Child.

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about October 15, 2009, and said appeal having been perfected,

And Matthew Gray, Esq., having moved for an order to be relieved as attorney for the subject child and to assign other counsel to respond to the 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 assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516) 921-8800 as attorney for the child for purposes of responding to the appeal, and the appeal is sua sponte adjourned to the September 2011 Term.

ENTER:

  
CLERK

PM ORDERS  
ENTERED ON  
APRIL 28, 2011

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 28, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

-----X  
Joseph W. Sullivan,  
Plaintiff-Respondent,

-against-

**M-432A**

Index No. 115092/08

William F. Harnisch, et al.,  
Defendants-Appellants.

-----X

**Plaintiff-respondent** having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 21, 2010 (Appeal Nos. 3147 and 3147A),

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 modified the orders 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. (The order of this Court entered on March 24, 2011 [M-432] is hereby recalled and vacated.)

ENTER:



CLERK