

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 July 21, 2011.

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

-----X
Alcides Moreno and Rosario Moreno,
Plaintiffs,

-against-

M-2392X
Index No. 100211/08

Tractel, Inc., individually and
doing business as Swing Stage, et al.,
Defendants.

-----X
(And other actions)

Index No. 590342/08

-----X

Appeals and a cross appeal having been taken from orders of the Supreme Court, New York County, entered on or about October 21, 2010 and October 26, 2010, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 16, 2011, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeal are withdrawn in accordance with the aforesaid stipulation (See M-2393X decided simultaneously herewith).

ENTER:



DEPUTY 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 July 21, 2011.

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

-----X
Edilema Cumbicos, individually and as
the Administratrix of the Estate of
Edgar Moreno, et al.,
Plaintiffs,

-against-

Tractel, Inc., individually and
doing business as Swing Stage, et al.,
Defendants.

M-2393X
Index No. 103247/08

-----X
(And others actions)

Index No. 590342/08

-----X
Appeals and a cross appeal having been taken from orders of the Supreme Court, New York County, entered on or about October 21, 2010 and October 26, 2010, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 16, 2011, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeal are withdrawn in accordance with the aforesaid stipulation (See M-2392X decided simultaneously herewith).

ENTER:



DEPUTY 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 July 21, 2011.

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

-----X
Tower Insurance Company of New York,
Plaintiff-Respondent,

-against-

M-2462X
Index No. 107547/09

Hydro Tech Mechanical Corp.,
Defendant-Appellant.

-----X

A cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 4, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 19, 2011, and due deliberation having been had thereon,

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

ENTER:



DEPUTY 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 July 21, 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-247A
Ind. No. 1381/09

Jose Inoa,

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 December 14, 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 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, 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.

John R. Lewis, Esq., 36 Hemlock Drive, Sleepy Hollow, New York 10591, Telephone No. (914) 332-8629, 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. The order of this Court entered on March 1, 2011 (M-247) is hereby recalled and vacated.

ENTER:

Handwritten signature of Elsa Iris Castro in cursive script.

DEPUTY 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 July 21, 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-

Richard Almonte,

M-2101
DC #1
Ind. No. 3313/08

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 30, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2011 Term and counsel is directed to so perfect.

ENTER:



DEPUTY 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 July 21, 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-

Terry Chapman,

M-2108
DC #8
Ind. No. 4026/07

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about May 12, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2011 Term and counsel is directed to so perfect.

ENTER:



DEPUTY 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 July 21, 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-

Terry Chapman,

M-2109
DC #9
Ind. No. 815/08

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about March 23, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2011 Term and counsel is directed to so perfect.

ENTER:



DEPUTY 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 July 21, 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-2110
DC #10

Dwaine Coleman, also known as
Eric Coleman,

Ind. No. 4200/08

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 25, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2011 Term and counsel is directed to so perfect.

ENTER:



DEPUTY 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 July 21, 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-

Lee Coleman,

M-2111
DC #11
Ind. No. 5453/07

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 15, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2011 Term and counsel is directed to so perfect.

ENTER:



DEPUTY 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 July 21, 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-

Lavon Giles,

Defendant-Appellant.

M-2118
DC #18
Ind. Nos. 4216/07
1468/07

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 3, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2011 Term and counsel is directed to so perfect.

ENTER:



DEPUTY 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 July 21, 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-

Anthony Hill,

M-2124
DC #23
Ind. No. 1694/01

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 29, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2011 Term and counsel is directed to so perfect.

ENTER:



DEPUTY 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 July 21, 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-

Michael A. Lewis,

M-2127
DC #26
Ind. No. 3157/05

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the order of the Supreme Court, New York County, entered on or about November 14, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2011 Term and counsel is directed to so perfect.

ENTER:



DEPUTY 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 July 21, 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-

Keith Lopez,

M-2129
DC #27
Ind. No. 5224/07

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 8, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2011 Term and counsel is directed to so perfect.

ENTER:



DEPUTY 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 July 21, 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-

Luis Robles,

Defendant-Appellant.

M-2141
DC #38
Ind. Nos. 2362/04
4265/04

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about December 2, 2004,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2011 Term and counsel is directed to so perfect.

ENTER:



DEPUTY 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 July 21, 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-

Guillermo Santos,

M-2143
DC #40
Ind. No. 6128/07

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 20, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2011 Term and counsel is directed to so perfect.

ENTER:



DEPUTY 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 July 21, 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-

Timothy Tate,

M-2151
DC #47
Ind. No. 4129/08

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about July 23, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2011 Term and counsel is directed to so perfect.

ENTER:



DEPUTY 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 July 21, 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-

Rodger Wilson, also known as
Rodger L. Wilson,

M-2156
DC #52
Ind. No. 1402/08

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 12, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the November 2011 Term and counsel is directed to so perfect.

ENTER:



DEPUTY 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 July 21, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
 Peter Tom
 David Friedman
 James M. Catterson
 Rosalyn H. Richter, Justices.

-----x
Property Clerk, New York City
Police Department,
 Plaintiff-Appellant,

-against-

M-2212
Index No. 402262/09

Roy G. Ford,
 Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 30, 2010,

And defendant-respondent having moved, pursuant to CPLR 5519(c), for vacatur of a statutory stay of proceedings to enforce the aforesaid order and judgment, for expedited hearing of the appeal, for leave to respond to the appeal as a poor person, 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 vacating the statutory stay, and the remainder of the relief sought is otherwise denied.

ENTER:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
James M. Catterson
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Ludmilla Zinger,
Petitioner-Appellant,

-against-

M-1260
Index No. 110189/09

Richard Kaye, et al., ,
Respondents-Respondents.

-----X

Petitioner-appellant Ludmilla Zinger having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 16, 2010 (Appeal No. 3914),

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:



DEPUTY 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 July 21, 2011.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-1994
Ind. No. 40168C/10

Nio Lloyd,
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, Bronx County, rendered on or about September 15, 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:

Handwritten signature of Elsa Iris Castro in cursive script.

DEPUTY 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 July 21, 2011.

Present: Hon. Peter Tom, Justice Presiding,
James M. Catterson
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

- - - - -
Pedro A.,
Petitioner-Respondent,

M-2470
Docket No. V24039/09

-against-

Susan M.,
Respondent-Appellant.

- - - - -
Beth Ann Krause, Esq.,
Children's Law Center,
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about April 25, 2011, and 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 to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 994-6831, 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) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **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:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David Friedman
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Robert Ledonne, et al.,
Plaintiffs-Respondents,

-against-

M-2376
Index No. 601761/09

Orsid Realty Corp., et al.,
Defendants,
- - - -
790 RSD Acquisition LLC, et al.,
Nonparty-Appellants.

-----X

Appellants 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 April 26, 2011 (Appeal No. 4912N),

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:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
In the Matter of the Application of
Jennifer Murnane,
Petitioner-Appellant,

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

M-1889
Index No. 110159/09

-against-

The Department of Education of the
City of New York,
Respondent-Respondent.

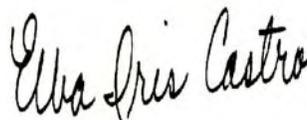
-----X

Petitioner-appellant 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 March 22, 2011 (Appeal No. 4566),

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:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Tung Auyeung,
Plaintiff-Respondent,

-against-

M-1616
Index No. 300293/04

Yinyin Mui,
Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on March 8, 2011 (Appeal No. 4453), 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:



DEPUTY 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 July 21, 2011.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Diane T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

Gladstein & Isaac, et al.,

Plaintiffs-Respondents,

-against-

M-1650

Index No. 601014/07

Philadelphia Indemnity Insurance
Company,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 8, 2011 (Appeal No. 4439),

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:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of the Application of
Tyrone Wray,
Petitioner-Appellant,

For a Judgment, etc.,

-against-

New York City Housing Authority,
Respondent-Respondent.

M-2352
Index No. 403180/09

-----X

Respondent having moved to dismiss the appeal taken from the order and judgment of the Supreme Court, New York County, entered on or about July 16, 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 dismissing the appeal unless it is perfected on or before October 3, 2011 for the December 2011 Term. Upon failure to so perfect, and 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:



DEPUTY 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 July 21, 2011.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Andrew Gering,
Plaintiff-Respondent,

-against-

M-2606
Index No. 350060/03

Charisse Tavano,
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 October 5, 2010 (mot. seq. no. 021), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and to amend the caption to "Anonymous v Anonymous", and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant or appellant's counsel if any, the cost thereof to be charged against the City of New York from funds available therefor. The motion is otherwise denied.

ENTER:



DEPUTY 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 July 21, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

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

-against-

M-2776
Ind. No. 2992/07

Daniel Otero,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Megan Tallmer, J.) entered on or about May 5, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

The time in which to perfect the appeal is enlarged to the December 2011 Term.

ENTER:



DEPUTY 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 July 21, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-2242

Ind. No. 1381/09

Oman Gutierrez,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 14, 2010,

And defendant having renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is denied with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), explaining the amount and disposition of the funds from his 2008 settlement with the Department of Corrections, and why those funds are not available to pay the cost of the appeal.

ENTER:



DEPUTY 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 July 21, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----x
Mohammad Hamza, also known as Mohamed
Hamza, also known as Mohammed Hamza,
Plaintiff-Appellant,

-against-

M-2639
Index No. 101398/11

Alphabet Soup Associates, LLC,
Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 18, 2011,

And plaintiff-appellant having moved for a stay of commercial housing court proceedings 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.

ENTER:



DEPUTY 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 July 21, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----x
In the Matter of the Application of
Mark A. Landis, Temporary Guardian
of the Property,
Petitioner-Respondent,

For the appointment of a guardian for M-2820
Index No. 500155/10
Lea D., also known as Claire H.,
also known as Claire D.,
Respondent-Appellant,

An Alleged Incapacitated Person.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 13, 2011,

And respondent-appellant having moved for, inter alia, a stay of enforcement of the order, including trial, pending hearing and determination of the aforesaid appeal, 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 staying enforcement of the order, including trial, on condition the appeal is perfected on or before September 6, 2011 for the November 2011 Term. Upon failure to so perfect, petitioner-respondent May move on notice to vacate the aforesaid stay.

ENTER:



DEPUTY 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 July 21, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----x
Carmen Cintron,

Plaintiff-Appellant,

-against-

Montefiore Medical Center,

Defendant-Respondent.
-----x

M-2828
M-2903
Index No. 21708/05

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, Bronx County, entered on or about September 15, 2010 and April 15, 2011, respectively,

And plaintiff-appellant having moved for consolidation of the aforesaid appeals, and for an enlargement of time to perfect same (M-2828),

And defendant-respondent having cross-moved for dismissal of the appeal taken from the order entered on or about September 15, 2010, as untimely taken, for dismissal of the appeal entered on or about April 15, 2011, as taken from a non-appealable order, and for other relief (M-2903),

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-2828) is granted to the extent of permitting plaintiff to prosecute the consolidated appeals upon 8 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to on or before October 3, 2011 for the December 2011 Term, and it is further,

Ordered that the cross motion to dismiss the appeal (M-2903) is granted unless the consolidated appeals are perfected for said December 2011 Term. The cross motion, to the extent it seeks dismissal of the appeal from the order entered on or about April 15, 2011, is denied, without prejudice to defendant raising the issue on the appeal.

ENTER:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

Jennifer Cangro,
Plaintiff-Appellant,

-against-

M-2832
Index No. 106491/10

Phyllis C. Solomon,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 28, 2010, and said appeal having been perfected,

And defendants having moved to strike plaintiff's Appendix for failure to include certain material,

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 striking the appeal from this Court's September 2011 Term calendar, with leave to re-perfect, without further fee, the appeal for this Court's December 2011 Term upon an Appendix which complies with CPLR 5528 and 22 NYCRR 600.10[c].

ENTER:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Felicita Sanchez, by her Guardian
Jose Rivera,
Plaintiff-Respondent,

-against-

M-2835
Index No. 101869/08

Kateri Residence, Catholic Health
Care System, as owners, operators,
controlling persons and members
of the governing body of Kateri
Residence, et al.,
Defendants-Appellants.

-----X

Defendant-appellant Kateri Residence having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about June 1, 2011, pending hearing and determination of the appeal taken therefrom, and said appeal having been perfected,

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

It is ordered that the motion is granted.

ENTER:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Women's Interart Center, Inc.,
Plaintiff-Respondent,

-against-

M-2836
Index No. 109017/07

New York City Economic Development Corporation (EDC), et al.,
Defendants-Appellants.

-----X
Women's Interart Center, Inc.,
Plaintiff-Respondent,

-against-

Index No. 113088/07

Clinton Housing Development Fund Corp.,
Defendant-Appellant.

-----X

Defendant-appellant Clinton Housing Development Fund Corp. 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 August 23, 2010; and for an extension of time to file a notice of appeal from the order of said Court entered on or about March 11, 2011, 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 enlarging the time in which to perfect the appeal from the order entered on or about August 23, 2010 to on or before September 6, 2011 for the November 2011 Term. The motion is otherwise denied.

ENTER:



DEPUTY 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 July 21, 2011.

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

-----X

Arnav Industries, Inc.,

Plaintiff-Appellant,

-against-

M-1974

Index No. 602491/06

Jody Pitari,

Defendant-Respondent.

-----X

Defendant-respondent 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 March 17, 2011 (Appeal No. 4372),

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:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
David Friedman
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X

Isaac Litchfield, et al.,
Plaintiffs-Appellants,

-against-

M-1942
Index No. 109296/08

Mark M. Altschul, et al.,
Defendants-Respondents.

-----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 March 24, 2011 (Appeal Nos. 4600-4600A),

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:



DEPUTY 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 July 21, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

Janmarie Spangler Stein-Sapir,

Plaintiff-Appellant,

-against-

Leonard R. Stein-Sapir,

Defendant-Respondent.
-----X

M-1655
Index No. 35438/71

Plaintiff-appellant 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 March 1, 2011 (Appeal No. 4223),

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:



DEPUTY 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 July 21, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Diane T. Renwick
Nelson S. Román, Justices.

-----x
Ying Jing Yan,

Plaintiff-Respondent,

-against-

Keen Wang,

Defendant-Appellant.
-----x

M-2330
Index No. 311607/08

Defendant-appellant having moved for a stay of execution and enforcement of the order of the Supreme Court, New York County, entered on or about May 11, 2011,

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 any stay which may be extant by virtue of the posting of an undertaking by defendant-respondent is hereby vacated.

ENTER:



DEPUTY 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 July 21, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. Catterson
Diane T. Renwick
Leland G. DeGrasse, Justices.

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

-against- **M-1920**
Ind. No. 3864/89

Stacey Sanchez, also known as
Stacy Sanchez,
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 (Cassandra Mullen, J.) entered on or about February 2, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Mullen as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor,

New York, New York 10006, Telephone No. 212-577-2523, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

Handwritten signature of Elsa Iris Castro in cursive script.

DEPUTY 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 July 21, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
David Friedman
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X

Harlem Real Estate LLC, et al.,
Plaintiffs-Appellants,

-against-

M-1815
Index No. 111768/06

New York City Economic Development
Corporation, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants 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 March 17, 2011 (Appeal Nos. 4531-4532),

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:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

Robert M. Morgenthau,
District Attorney of New York County,
Plaintiff-Respondent,

-against-

M-2233
Index No. 400516/06

Western Express International, Inc.,
et al.,

Defendants-Appellants,

Yelena Barysheva, et al.,
Defendants.

-----X

Defendants-appellants 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 April 19, 2011 (Appeal No. 3181N),

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:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Nelson S. Román, Justices.

-----X
Santorini Equities, Inc.,
Petitioner-Landlord-Respondent,

-against-

M-2481
Index No. 570135/07

Francisco Picarra,
Respondent-Tenant-Appellant,

-and-

Raquel L. Picarra, et al.,
Respondents-Appellants.

-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about February 15, 2011,

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:



DEPUTY 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 July 21, 2011.

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

-----X
Pomona Medical Diagnostics, P.C.,
as assignee of Mijamin Belle,
Plaintiff-Respondent,

-against-

M-2610
Index No. 570687/10

GEICO Insurance Company,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 2, 2011,

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:



DEPUTY 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 July 21, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Diane T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-2056
Ind. No. 4849/09

Jose Cantero,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 22, 2010 (M-2357) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 11, 2010,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



DEPUTY 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 July 21, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----x
Soufiane Lemouchi,

Plaintiff-Appellant,

-against-

M-2251
Index No. 306901/08

Gilberto Irizarry and Theodore Ippolito,

Defendants-Respondents.
-----x

Defendant-respondent Theodore Ippolito having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about July 29, 2010, for failure to timely perfect,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:



DEPUTY 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 July 21, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----x
In the Matter of the Application of
Karen McGhee,
Petitioner-Appellant,

For a Judgment, etc.,

M-2257
Index No. 400405/09

-against-

New York City Housing Authority,
Respondent-Respondent.
-----x

Respondent-respondent having moved for dismissal of the appeal from an order and a judgment of the Supreme Court, New York County, both entered on or about December 16, 2010 (mot. seq. nos. 001, 002), as untimely taken,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:



DEPUTY 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 July 21, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----x

Stacy A. Paddy,

Plaintiff-Appellant,

-against-

M-2274
Index No. 26290/03

Neil J. McKenzie, Karnail Singh
and Akhtar Ali,

Defendants-Respondents.

-----x

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about July 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 granted and the appeal is dismissed.

ENTER:



DEPUTY CLERK

CORRECTED ORDER - October 7, 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 July 21, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Isaiah M.,

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

M-2322
Docket No. NN8388/09

Administration for Children's
Services,
Petitioner-Respondent,

Antoya M.,
Respondent-Appellant.

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Child.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about August 24, 2009, 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 file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

CORRECTED ORDER – October 7, 2011

(M-2322)

-2-

July 21, 2011

The Clerk of Family Court, Bronx County, is directed to have transcribed the minutes of the proceedings held therein, if any, for inclusion in the record on appeal, with a copy to appellant's counsel, Mary Anne Mendenhall, Esq., the Bronx Defenders, 860 Courtlandt Avenue, Bronx, New York 10451, Telephone No. 718-838-7878, the cost thereof to be charged against the City of New York from funds available therefor and any other fees in connection therewith.

ENTER:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Orlando Toro,
Plaintiff-Respondent,

-against-

M-1572
Index No. 101189/08

Plaza Construction Corp., et al.,
Defendants-Appellants.

-----X
Plaza Construction Corp.,
Third-Party Plaintiff,

-against-

Rite-Way Internal Removal, Inc.,
Third-Party Defendant-Appellant.

-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 10, 2011 (Appeal No. 4485),

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:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Gilbert Lau,
Plaintiff-Appellant,

-against-

M-1264
Index No. 102280-09

7th Precinct of the Police Department
of the County of New York, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 22, 2011 (Appeal No. 4331-4331A), and for leave to prosecute, as a poor person, 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 for leave to appeal to the Court of Appeals is denied. So much of the motion seeking leave to prosecute said proceeding as a poor person is denied as academic.

ENTER:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-1321
Ind. No. 4154/00

Debra Peavey,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument or reconsideration of the decision and order of this Court entered on February 22, 2011 (Appeal No. 4322), 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:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X

American Home Assurance Company,
Plaintiff,

-against-

BFC Construction Corp., et al.,
Defendants-Respondents,

M-1792
Index No. 603610/05

Kent Affordable Housing, LLC, et al.,
Defendants,

Sirius America Insurance Company,
Defendant-Appellant.

-----X

Defendant-appellant 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 February 22, 2011 (Appeal No. 4323),

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on July 21, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

Estate of Jean-Paul Angé,
Plaintiff-Appellant,

-against-

Julia Angé,
Defendant-Respondent.

-----X

M-2078
M-2574
Index No. 303243/05

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 22, 2011 (mot. seq. no. 010),

And an order by a Justice of this Court having been entered on May 3, 2011, granting plaintiff-appellant estate an interim stay of enforcement of the aforesaid order of the Supreme Court, New York County, entered on March 22, 2011 (mot. seq. no. 010),

And plaintiff-appellant estate having moved for a further stay of enforcement of the aforesaid order of the Supreme Court, New York County, entered on March 22, 2011 (mot. seq. no. 010), pending hearing and determination of the aforesaid appeal (M-2078),

And defendant-respondent having cross moved to dismiss the appeal, for sanctions and certain attorneys fees, and for related relief (M-2574),

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, is denied (M-2078), and the interim relief granted by an order of a Justice of this Court, dated May 3, 2011, is vacated. The cross-motion is granted to the extent of dismissing the appeal and is otherwise denied without prejudice to further proceedings in Supreme Court (M-2574).

ENTER:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Richard Bender, et al.,
Plaintiffs-Appellants,

-against-

101 Productions Ltd., et al.,
Defendants-Respondents.
-----X

M-1791
Index No. 104541/05

Plaintiffs-appellants having moved for reargument of the decision and order of this Court entered on March 15, 2011 (Appeal No. 4398),

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:



DEPUTY 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 July 21, 2011.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Diane T. Renwick
Nelson S. Román, Justices.

-----x
In the Matter of the Application of
Wakil Ahmad,
Petitioner,

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

M-2399
Index No. 110307/09

-against-

Soundview Houses, NYCHA,
Respondent.
-----x

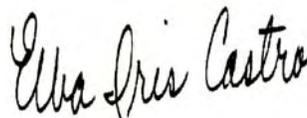
An order of this Court having been entered on December 2, 2010 (M-5037), dismissing the transferred proceeding from an order of the Supreme Court, New York County, entered on or about December 15, 2009, for failure to timely perfect,

And petitioner having moved for reargument of the aforesaid order (M-5037),

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:



DEPUTY 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 July 21, 2011.

Present - Hon. David Friedman, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Manuel P. Asensio,

Plaintiff-Appellant-Respondent,

-against-

M-288
Index No. 100257/10

Casa 74th Development, LLC, et al.,

Defendants-Respondents-Appellants.

-----X

Defendants-respondents-appellants Casa 74th Development, LLC and Starr Associates LLP 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 21, 2010 (Appeal No. 3347),

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:



DEPUTY 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 July 21, 2011.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
 James M. Catterson
 Karla Moskowitz
 Diane T. Renwick
 Rosalyn H. Richter, Justices.

-----X

Cecilia Ashbourne,
Plaintiff-Appellant,

-against-

City of New York, et al.,
Defendants,

M-2008
Index No. 17198/07

New York City Housing Authority,
Defendant-Respondent.

-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 8, 2011 (Appeal No. 3771),

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:



DEPUTY 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 July 21, 2011.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

Cheong Mei Inc.,
Petitioner,

-against-

M-1468
Index No. 109860/06

Environmental Control Board of
the City of New York,
Respondent.

-----X

Petitioner 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 February 8, 2011 (Appeal No. 4196),

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:



DEPUTY CLERK

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Appellant,

M-2975
Ind. No. 5810/07

-against-

CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Ledarrius Wright,
Defendant-Respondent.

-----x

I, Peter Tom, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named respondent to appeal to the Court of Appeals.



Peter Tom
Justice of the Appellate Division

Dated: July 5, 2011
New York, New York

ENTERED: JUL 21 2011

*Description of Order:

Supreme Court, New York County, entered on April 16, 2009.
App. Div., First Dept., Appeal No. 3947, Affd on June 21, 2011.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

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

BEFORE: Hon. James M. Catterson
Justice of the Appellate Division

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

John W.,
Petitioner-Respondent,

M-1275
Docket Nos. V5924/06
V7821/06

-against-

Melissa G.,
Respondent-Appellant.

-----X

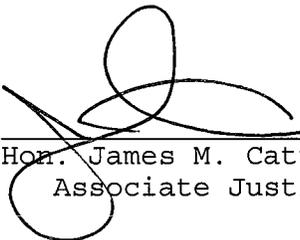
An order of a Justice of this Court having been entered on February 17, 2011 (M-5139), denying respondent's motion for a stay of the custody order of the Family Court, New York County, entered on or about September 14, 2010, which transferred temporary custody of the subject child to the petitioner father,

And respondent-appellant having moved for clarification of the aforesaid order of a Justice of this Court entered on February 17, 2011 (M-5139), and for renewal of the initial application,

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

It is ordered that the motion, to the extent it seeks renewal, is denied. So much of the motion which seeks clarification of the prior order of a Justice of this Court is granted to the extent of specifying the denial of respondent's motion for leave to appeal to this Court from the aforesaid custody order entered on or about September 14, 2010.

Dated: New York, New York



Hon. James M. Catterson
Associate Justice

Entered: **JUL 21 2011**

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

M-2801
Ind. No. 5779/08

-against-

CERTIFICATE
GRANTING LEAVE

Javone Major,
Defendant-Appellant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about May 18, 2011.¹

Dated: June 27, 2011
New York, New York



ENTERED JUL 21 2011

Hon. Rolando T. Acosta
Associate Justice

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

¹Defendant's existing direct appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

PM ORDERS
ENTERED ON
JULY 21, 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 July 21, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X

In the Matter of a Support Proceeding,

Paola Mireya Canahuati Bendeck,
Petitioner-Respondent,

-against-

Oscar Ivan Larach Zablah,
Respondent-Appellant.

M-2720

Docket No. F-06282/08

-----X

Respondent-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Family Court, New York County, entered on or about May 4, 2011,

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:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on July 21, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
R&L Realty Associates,

Petitioner-Respondent,

-against-

205 West 103 Owners Corp.,

Respondent-Appellant.
-----X

M-2914
Index No. 104662/11

Respondent-appellant having moved for a stay of execution of the order of the Supreme Court, New York County, entered on or about June 16, 2011 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, and the interim relief granted by a Justice of this Court on June 23, 2011 is vacated.

ENTER:



DEPUTY 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 July 21, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Diane T. Renwick
Leland G. DeGrasse, Justices.

-----X

Ruth Rogin,
Plaintiff-Appellant,

-against-

M-2856

Index No. 102951/11

Gilbert Rogin and 504 Associates,
LLC,

Defendants-Respondents.

-----X

(And other actions)

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about May 27, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for the payment of attorney's fees, for a stay of all proceedings pending hearing and determination of the aforesaid appeal, for a preference in the hearing of said appeal, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks a stay of all proceedings pending hearing and determination of the appeal is

granted to the extent of continuing the interim relief granted by a Justice of this Court on June 20, 2011, on condition plaintiff perfects the appeal on or before September 6, 2011 for the November 2011 Term. The motion is otherwise denied.

ENTER:

A handwritten signature in cursive script that reads "Elva Iris Castro".

DEPUTY CLERK