

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

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

-----X  
Qu Shen Yang, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-1467X  
Index No. 109185/07

Long Island City Group Corp., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 13, 2010 (mot. seq. no. 001),

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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 14, 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-1856  
Ind. No. 4862/06

Richard Allende,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about December 21, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed April 18, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 14, 2011.

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

-----X  
Angel Davido,  
Plaintiff-Respondent,

-against-

M-2004X  
Index No. 306128/08

Jorge Salazar, JCV Trucking, LLC,  
Defendant-Appellants,

Juda Construction, Ltd.,  
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 2, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 27, 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 June 14, 2011.

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

-----X  
Comm 2006-C8 Taylor Avenue, LLC,  
Plaintiff-Appellant,

-against-

M-1935  
Index No. 380454/09

NY-Bronx I, LLC, et al.,  
Defendants,

Marisol DeLaCruz, et al.,  
Non-Party Tenants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 29, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated April 20, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 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 in the County of New York on June 14, 2011.

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

-----X  
Qu Sheng Yang, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-1006  
Index No. 109185/07

Long Island City Group Corp., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 14, 2010 (mot. seq. no. 002),

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

And counsel for plaintiffs-respondents having moved to withdraw appellant's motion,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Caesar & Napoli (James C. Napoli, of counsel), counsel for plaintiffs-respondents dated March 3, 2011, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Rolando T. Acosta  
Rosalyn H. Richter  
Nelson S. Román, Justices.

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

-against-

M-1590  
Ind. No. 1381/09

Randy Gutierrez,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 4, 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 reproduced 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 June 14, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Karla Moskowitz  
Helen E. Freedman, Justices.

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

-against-

M-1683  
Ind. No. 6401/09

Jaime Lopez-Mendoza,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 15, 2011, 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 10 reproduced 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 June 14, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice  
Peter Tom  
Richard T. Andrias  
Karla Moskowitz  
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-1671  
Ind. No. 6211/09

Reyito Fortunato-Hernandez,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 20, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Jorge Guttlein, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Karla Moskowitz  
Helen E. Freedman, Justices.

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

-against-

M-1698  
Ind. No. 643/10

Kareem Santiago,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 1, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay trial counsel's fee and to post the bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice  
Peter Tom  
Richard T. Andrias  
Karla Moskowitz  
Helen E. Freedman, Justices.

-----X  
Sherwin Skeet,

Plaintiff-Appellant,

-against-

M-1786  
Index No. 570662/98

Department of Consumer Affairs and  
Pathways to Housing,

Defendants-Respondents.  
-----X

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 March 1, 2011 (mot. seq. no. 004), 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 denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Karla Moskowitz  
Helen E. Freedman, Justices.

-----X  
In the Matter of the Application of  
Velda Clark,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-1641  
Index No. 117611/09

New York State Office of Children  
and Family Services,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 6, 2010,

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the proceeding to on or before September 6, 2011 for the November 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 June 14, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Karla Moskowitz  
Helen E. Freedman, Justices.

-----X  
How Shim Yu,  
Plaintiff-Appellant,

-against-

M-1774  
Index No. 117206/04

General Security Insurance Co.,  
now known as, Unitrin Auto and  
Home Insurance Company,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 21, 2010 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 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 June 14, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Karla Moskowitz  
Helen E. Freedman, Justices.

-----X  
In the Matter of

Sharon Crystal F.,

A Dependent Child Under a8 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York and/or Article 6 of the Family Court Act.

- - - - -  
Catholic Guardian Society & Home Bureau, et al.,  
Petitioners-Respondents,

M-1712  
Docket No. B-136/08

Nicole Valerie D., also known as Nicole D., also known as Nicole D.-F., also known as Nicole F.,  
Respondent-Appellant.

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

-----X

An order of this Court having been entered December 9, 2010 (M-4867), granting respondent-appellant mother leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 21, 2010, assignment of counsel, a free copy of the transcript, and related relief,

And respondent-appellant mother having moved for, inter alia, an enlargement of time in which to perfect said appeal to the September 2011 Term,

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 2011 Term. The motion is otherwise denied.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style. 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 June 14, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Columbus 95th Street, LLC,  
Petitioner-Appellant,

-against-

New York State Division of Housing  
and Community Renewal,  
Respondent-Respondent,

M-736  
Index No. 113148/07

Columbus House Tenants Association,  
et al.,  
Intervenors-Respondents-Respondents,

The Attorney General for the  
State of New York,  
Statutory Intervenor-Respondent.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 28, 2010 (Appeal No. 3627),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

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

-----X  
American Building Supply Corp.,  
Plaintiff-Respondent,

-against-

M-1314  
Index No. 601562/08

Petrocelli Group, Inc.,  
Defendant-Appellant,

Pollak Associates,  
Defendant.

-----X

Plaintiff-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 February 22, 2011 (Appeal No. 3958),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X

1091 River Avenue LLC, et al.,  
Petitioners-Appellants,

-against-

Platinum Capital Partners, Inc.,  
Respondent-Respondent.

-----X

M-1477

M-1708

Index No. 601228/09

Petitioners-appellants having moved by separate motions, for reargument of [M-1477] or, in the alternative, for leave to appeal to the Court of Appeals from [M-1708] the decision and order of this Court entered on March 1, 2011 (Appeal No. 4378),

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

It is ordered that the motions are denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Rolando T. Acosta  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X  
Joyce Marciano-Dralle,  
Plaintiff-Appellant,

-against-

**M-1201**

Index No. 302336/08

J.P. Express Service, Inc., et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 7, 2008,

And defendants-respondents having moved for an order dismissing the aforesaid appeal,

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

Ordered that the motion is granted and the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

Present: Hon. Peter Tom, Justice Presiding  
Angela M. Mazzairelli  
Rolando T. Acosta  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X  
Rabindranauth Persaud,

Plaintiff-Respondent,

-against-

M-1322  
Index No. 15083/05

Harvey Pickering,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about October 28, 2010, 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 denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 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-2065  
Ind. No. 5353/09

Richard Agudelo,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 15, 2010, and for continuation of bail pending hearing and determination of 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 condition the appeal is perfected on or before August 8, 2011 for the October 2011 Term, with no further enlargements to be granted. Bail is continued on condition the appeal is perfected for 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 June 14, 2011.

Present: Hon. Peter Tom, Justice Presiding  
David B. Saxe  
James M. Catterson  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

-----X

Roselyne Gisors,

Plaintiff-Appellant,

-against-

M-1852

Index No. 116808/08

New York City Department of Education,  
et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 29, 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 December 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 June 14, 2011.

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

-----X

Arsim Kameraj,  
Plaintiff-Appellant,

-against-

M-1378  
Index No. 308670/08

Haim Joseph,  
Defendant-Respondent.

-----X

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 February 22, 2011 (Appeal No. 4341),

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

It is ordered that the motion is denied.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

PRESENT - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

-----X

John B. Stetson Company,  
Plaintiff-Appellant,

-against-

Joh. A. Benckiser, GmbH, et al.,  
Defendants-Respondents.

M-1394  
Ind. No. 600074/10

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on February 22, 2011 (Appeal No. 4348),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X

Bart Shachnow,

Plaintiff-Respondent,

-against-

M-1573

Index No. 350372/98

Jennifer Shafer,

Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on March 3, 2011 (Appeal Nos. 3757-3758),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

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

-----X  
Barbra Michelle Miller, et al.,

Plaintiffs-Appellants,

-against-

M-1520  
Index No. 602434/09

Iris W. Miller, et al.,

Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court entered on March 8, 2011 (Appeal No. 4440), or for alternative 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.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

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

-----X  
Shelton Stewart,

Plaintiff-Respondent,

-against-

New York City Transit Authority,

Defendant-Appellant.  
-----X

**M-1446**  
Index No. 13911/99

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 March 3, 2011 (Appeal No. 4422),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

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

-----X  
936 Second Avenue, L.P.,

Petitioner-Appellant,

-against-

M-1564  
Index No. 601734/09

Second Corporate Development,  
Co., Inc., et al.,

Respondents-Respondents.  
-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 3, 2011 (Appeal No. 4430),

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

It is ordered that the motion is denied.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

M-1731  
Ind. No. 4596/06

Walter Cates, Sr., also known as  
Walter Johnson,

Defendant-Appellant.  
-----X

An order of this Court having been entered on February 8, 2011 (M-5920), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 10, 2009,

And defendant having moved for an extension of time in which to file the 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 September 6, 2011 for the November 2011 Term, to which Term the appeal is adjourned. 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 June 14, 2011.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. Degrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Louise V.,

Petitioner-Respondent,

M-6262  
Docket No. F-9944-10

-against-

Walter S.,

Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to appeal from the order of the Family Court, New York County, entered on or about November 22, 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. (See M-6262A, decided simultaneously herewith).

ENTER:

  
CLERK

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

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

-----X  
In the Matter of

Louise V.,

Petitioner-Respondent,

M-6262A  
Docket No. F-9944-10

-against-

Walter S.,

Respondent-Appellant.

-----X

Respondent-appellant having moved for a stay of the order of the Family Court, New York County, entered on or about November 22, 2010, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied. (See M-6262, decided simultaneously herewith).



---

Leland G. DeGrasse  
Associate Justice

Dated: May 3, 2011  
New York, New York

Entered: **JUN 14 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 June 14, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

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

-against-

M-1597  
Ind. No. 918/09

Miguel A. Morales,  
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 15, 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, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

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

-----X  
In the Matter of the Application of  
Stephanie G. Devins,  
Petitioner-Appellant,

For an Order Pursuant to Article 78  
of the CPLR,

-against-

M-1831  
Index No. 402427/09

New York City Housing Authority,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 21, 2010, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for a stay of eviction, consolidation of this appeal with a related transferred proceeding, 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 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 motion is otherwise denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

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

-----X  
Paul Solomons,

Plaintiff-Respondent,

-against-

Old Brownsville Renaissance Corp.,

Defendant-Appellant.  
-----X

M-1675  
Index No. 110636/10

Defendant-appellant having moved to stay proceedings in the underlying action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 13, 2010 (mot. seq. no. 002),

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before August 8, 2011 for 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 June 14, 2011.

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

-----X  
David Bruno,  
Plaintiff-Respondent,

-against-

M-2136  
Index No. 107529/07

Port Authority of New York and  
New Jersey, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 12, 2010 (mot. seq. no. 006),

And defendants-appellants having moved for a "stay of all appellate proceedings" in the above-entitled action, or for an enlargement of time in which to perfect said appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before October 3, 2011 for the December 2011 Term, with leave to seek further enlargement, if necessary.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

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

-----X  
17-19 Bleecker Street, LLC,  
Petitioner-Landlord-Appellant,

-against-

M-854  
Index No. 66128/05

Cynthia McAdams,  
Respondent-Tenant-Respondent,

-and-

Alexandros Washburn, "John Doe" and  
"Jane Doe,"  
Respondents-Undertenants.

-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about November 29, 2010, and for a stay of proceedings pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Sheila Abdus-Salaam,  
Nelson S. Román, Justices.

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

-against-

**M-1643**  
Ind. No. 4154/00

Debra Peavey,  
Defendant-Appellant.

-----X

An appeal having been purportedly taken from a "sentence" of the Supreme Court, New York County, executed March 3, 2011, pursuant to the judgment of said Court rendered on or about July 30, 2009,

And respondent People having moved for an order dismissing 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 and the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

-against-

M-1773  
Ind. No. 4407/09

Jimmy Martinez,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 25, 2011, for leave to prosecute the appeal as a poor person, upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, insofar as it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, as well as the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Atlas Autotronics Center, Inc.,  
et al.,

Plaintiffs-Respondents,

-against-

M-2269  
Index No. 24910/94

Michael J. Cogen,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about March 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 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 June 14, 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

Diane Sank,  
Petitioner-Appellant,

-against-

M-2365  
Index No. 115454/09

City University of New York,  
et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 26, 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 June 14, 2011.

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

-----X  
JP Morgan Chase Bank, National  
Association,  
Plaintiff-Respondent,

-against-

M-2434  
Index No. 107099/09

Saadia Shapiro,  
Defendant-Appellant,

JPMorgan Chase Bank National  
Association, etc., et al.,  
Defendants.

-----X

Defendant-appellant Saadia Shapiro 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 11, 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 June 14, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Patrick Sanders,  
Plaintiff-Appellant,

-against-

Aqua-Chlor Enterprises, Inc., et al.,  
Defendants-Respondents.

**M-1871**  
**M-1904**  
Index No. 16640/07

-----X  
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 5, 2010,

And defendants-respondents having moved for an order dismissing the aforesaid appeal (M-1871),

And plaintiff-appellant having cross-moved for an order enlarging the time in which to perfect the appeal (M-1904),

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 plaintiff-appellant's cross motion is granted and the time in which to perfect the appeal is enlarged to on or before August 8, 2011 for the October 2011 Term (M-1904). Defendants-respondents' motion to dismiss is accordingly granted unless plaintiff perfects said appeal for the October 2011 Term (M-1871).

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
Stevi Brooks Nichols,  
Plaintiff-Appellant,

-against-

M-2435  
Index No. 112297/08

W. Roberts Curtis, Esq., et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeals taken from orders of the Supreme Court, New York County, entered on or about July 16, 2010, July 19, 2010 and December 9, 2010, and from an order and judgment of the same Court entered on or about February 18, 2011, respectively,

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 appeals to on or before September 6, 2011 for the November 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 June 14, 2011.

Present - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----x  
Lindsay Kupferman Nederlander,  
Plaintiff-Respondent,

-against-

Eric Nederlander, M-2043  
Defendant-Respondent. Index No. 350510/07

- - - - -  
Nancy Kaufman,  
Non-Party Appellant.

-----x

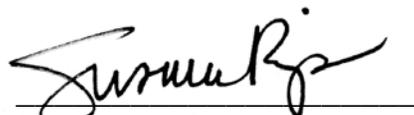
An appeal having been taken to this Court from an order of the Supreme Court, New York County entered on or about April 29, 2011,

And non-party appellants having moved for a stay of enforcement of the order requiring limited disclosure to certain medical records, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied, without prejudice to movant seeking said relief in the event the trial court releases said records to plaintiff, subsequent to in camera review.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

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

-----X  
Panatoz International Corp.,  
Plaintiff-Respondent,

-against-

M-1410  
Index No. 7526/05

David Rozen, et al.,  
Defendants-Appellants,

Luis Zeiguer, et al.,  
Defendants.

-----X

Defendants-appellants 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. 4314),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
James M. McGuire  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X

Cynthia A. Bell,  
Plaintiff-Appellant,

-against-

24-26 East 82nd Street Corporation,  
The Board of Directors, Andrea Bunis  
Management, Inc., Andrea Bunis,  
Carter Ledyard and Milburn, Ronald  
Spencer, Davis Polk & Wardwell,  
Ogden Lewis, Larry Jacobs and  
Jacqueline Eaton,  
Defendants-Respondents.

M-1397  
Index No. 117986/09

-----X

An order of this Court having been entered on February 22, 2011 (M-5741A/M-5751A/M-5871A), inter alia, dismissing the appeal from the order of the Supreme Court, New York County, entered on or about September 15, 2010,

And plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the order of this Court entered on February 22, 2011 (M-5741A/M-5751A/M-5871A),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X  
Randi Rhodes, also known as Randi  
Robertson,

Plaintiff-Appellant,

-against-

Steven Edward Herz, et al.,

Defendants-Respondents.  
-----X

M-1854  
Index No. 602906/05

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 22, 2011 (Appeal No. 3865),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 14, 2011.

Present - Hon. Leland G. DeGrasse, Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-5480  
Ind. No. 593/09

Gaetano D'Attore,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time to file a notice of appeal from the judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about April 11, 2011, and for leave to prosecute the appeal as a poor person, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for dismissal of the indictment, 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 deeming the notice of appeal as timely filed, 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 **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. The motion is otherwise denied, without prejudice to substantive arguments on direct appeal.

ENTER:

  
CLERK