

THE FOLLOWING MOTION ORDERS
WERE ENTERED AND FILED ON
JULY 21, 2009

Gonzalez, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-2447 Nieves v Alanis Deli Grocery Corp.

Appeal deemed withdrawn; leave to strike notice of appeal denied as academic.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2726 In the Matter of F., Timothy v M., Melanie

Appeal deemed withdrawn; assigned counsel relieved.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2734 Shurka v Shurka

Dismissal of appeal denied.

Gonzalez, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-2586 People v Brown, Victor

Leave to prosecute appeal as a poor person granted, as indicated.

Gonzalez, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-2673 People v Ugweches, Austen

Leave to prosecute appeal as a poor person granted,
as indicated.

Gonzalez, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-2815 People v Johnson, Richard

M-2836 People v Rosario, Caine

M-2837 People v James, Daniel

M-2850 People v Ortega, Jose

M-2862 People v Peguero, Avial

M-2877 People v Rosario, Michael

M-2882 People v Batista, Jose

M-2883 People v Pagan, Pedro

M-2885 People v Sequra, Rafael, also known as
Aguilar, Rafael

M-2886 People v Wilson, Rodger, also known as
Wilson, Rodger L.

Leave to prosecute appeals as poor persons granted,
as indicated.

Gonzalez, P.J., Sweeny, Buckley, Renwick, Freedman, JJ.

M-2431 In the Matter of L., Eugene, Jr. - Administration for
Children's Services

Leave to prosecute appeal as a poor person granted,
as indicated. Clerk directed to calendar appeals for hearing
together; petitioner and law guardian permitted to file single
brief addressing the appeals. (See M-2489, decided
simultaneously herewith.)

Gonzalez, P.J., Sweeny, Buckley, Renwick, Freedman, JJ.

M-2489 In the Matter of L., Eugene, Jr. - Administration for
Children's Services

Leave to prosecute appeal as a poor person granted,
as indicated. Clerk directed to calendar appeals for hearing
together; petitioner and law guardian permitted to file single
brief addressing the appeals. (See M-2431, decided simultaneously
herewith.)

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2790 In the Matter of Whitfield v Bailey

Leave to prosecute appeal as a poor person granted to
the extent indicated; assignment of counsel denied.

Gonzalez, P.J., Tom, Moskowitz, Freedman, JJ.

M-2728 People v Morales, Vanessa

Leave to prosecute appeal as a poor person granted,
as indicated.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2778 People v Zapata, Angelo

Leave to prosecute appeal as a poor person and related relief granted; Clerk of the Supreme Court shall expeditiously have made and filed with the criminal court two transcripts of the SORA hearing and other proceedings, as indicated.

Gonzalez, P.J., Tom, Friedman, Saxe, Buckley, JJ.

M-2796 People v Manning, Paul

Leave to prosecute appeal as a poor person and related relief granted; Clerk of the Supreme Court shall expeditiously have made and filed with the criminal court two transcripts of the SORA hearing and other proceedings, as indicated. Time to perfect appeal enlarged to the November 2009 Term, as indicated.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2799 People v Clark, Livingston

Leave to prosecute appeal as a poor person granted to the extent indicated.

Gonzalez, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-2623 Barnes v The City University of New York

Leave to prosecute appeal as a poor person and other relief denied.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2715 People v Vasquez, Luis

Leave to prosecute appeal as a poor person denied,
with leave to renew, as indicated.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2731 People v Clemente, Erica

Notice of appeal deemed timely filed; leave to
prosecute appeal as a poor person granted, as indicated.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2732 People v Hunter, Wayne

Notice of appeal deemed timely filed; leave to
prosecute appeal as a poor person granted, as indicated.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2754 People v Velez, Joel

Notice of appeal deemed timely filed; leave to
prosecute appeal as a poor person granted, as indicated.

Gonzalez, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-2496 People v Johnson, Shaquana

Notice of appeal deemed timely filed; leave to
prosecute appeal as a poor person denied, with leave to renew,
as indicated.

Gonzalez, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-2522 People v Lozado, Francisco

Notice of appeal deemed timely filed; leave to prosecute appeal as a poor person denied, with leave to renew, as indicated.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2756 People v Cruz, John

Leave to prosecute appeal as a poor person denied, with leave to renew, as indicated.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2809 Arrey v Beaux Arts II, LLC

Leave to prosecute appeal as a poor person denied, with leave to renew, as indicated. Time to perfect appeal enlarged to the December 2009 Term.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2725 People v Acosta, Freddy

Moving papers deemed a timely filed notice of appeal.

Gonzalez, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-2676 People v Martinez, Jose

Moving papers deemed a timely filed notice of appeal; leave to prosecute appeal as a poor person granted, as indicated.

Gonzalez, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-2335 People v Wilkov, Jennifer

Moving papers deemed a timely filed notice of appeal; time to perfect appeal enlarged to the November 2009 Term, as indicated.

Gonzalez, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-2495 Deutsch v City of New York

Time to perfect appeal enlarged to the October 2009 Term.

Gonzalez, P.J., Tom, Mazzarelli, Andrias, Saxe, JJ.

M-2713 Nimkoff v Nimkoff

M-2805

Time to perfect appeal and cross appeal enlarged to the October 2009 Term.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2988 Stryker v Stelmak

Time to perfect appeal and cross appeal enlarged to the October 2009 Term.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2807 Rodriguez v E&P Associates - Modell's NY, Inc.
 [And a third-party action]

 Time to perfect appeal and cross appeal enlarged to the
October 2009 Term; should direct appellants fail to so perfect,
plaintiff directed to perfect cross appeal as direct appellant
for the November 2009 Term, as indicated.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2631 Gonzalez v Praise the Lord Dental

 Time to perfect appeal enlarged to the December 2009
Term.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2784 Nisenbaum v Magaw Management, LLC

 Time to perfect appeal enlarged to the December 2009
Term.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2853 Boyce v Gumley-Haft, Inc. - Spitzer
 [And a third-party action]

 Time to perfect appeal enlarged to the December 2009
Term.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2638 Leonardi v Cruz

Appeals consolidated; time to perfect same enlarged to the December 2009 Term, as indicated.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2610 Board of Managers of Shorehaven Condominium v Saldana - Plotch

Stay denied.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2769 Kane v The Port Authority of New York and New Jersey

Stay of trial denied.

Gonzalez, P.J., Sweeny, Buckley, Renwick, Freedman, JJ.

M-2738 Vyapar Capital Market Partners LLC v ICAP Management Services Ltd.

Modification denied.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-2793 People v Cruz, Juan

Release of evaluations and reports granted.

Gonzalez, P.J., Tom, Friedman, Sweeny, Buckley, JJ.

M-3017 People v Cagle, Michael

Counsel substituted.

Tom, J.P., Andrias, Saxe, Renwick, JJ.

M-2484 Donald B. Blaikie & Co. v Kenneth Heller P.C.

Enlargement of time to perfect appeals and a stay denied. Appeals dismissed.

Mazzarelli, J.P., Andrias, Buckley, McGuire, JJ.

M-1104 Pludeman v Northern Leasing Systems, Inc.

Motion for an award of costs, attorneys' fees, and sanctions pursuant to 22 NYCRR 130-1.1(a), and for a finding of contempt pursuant to the Judiciary Law, is granted to the extent of directing plaintiffs to pay the \$1,940.13 previously ordered by this Court (M-3436), finding that plaintiffs and their attorneys have engaged in frivolous conduct, awarding defendants, as sanctions for frivolous conduct, the reasonable costs and attorneys' fees incurred in connection with this motion, payable by plaintiffs and their attorneys in equal shares, and remanding for a determination of the amount thereof. The Clerk of Supreme Court, New York County, is directed to enter judgment accordingly.

Conduct is frivolous if "(1) it is completely without merit in law and cannot be supported by a reasonable argument for an extension, modification or reversal of existing law; or [inter alia,] (2) it is undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another" (22 NYCRR 130-1.1[c]).

Plaintiffs and their attorneys engaged in frivolous conduct by refusing to comply with a prior order of this Court (M-3436) directing plaintiffs to pay \$1,940.13 for their share of the cost of the joint record on an appeal and by opposing the instant motion to compel compliance (see *Melnick v Khoroushi*, 57 AD3d 414 [2008]; *Estate of Gottlieb*, 2007 NY App Div LEXIS 7667 [2007]; *Tsabbar v Auld*, 26 AD3d 233 [2006]). To the extent plaintiffs and their counsel claim they are due an offset for costs imposed by another court, their recourse is to raise the matter with that other court. In any event, plaintiffs and their counsel have failed to offer any excuse or legal basis for their refusal to pay even the amount they concede is due.

Accordingly, we award defendants reimbursement for their reasonable costs and attorneys' fees in connection with this motion.

Mazzarelli, J.P., Andrias, Friedman, Renwick, Freedman, JJ.

M-1980 In the Matter of B., Arlenys; E., Heiny -
Administration for Children's Services

Leave to prosecute appeal as a poor person granted,
as indicated.

Andrias, J.P., Catterson, Renwick, DeGrasse, Abdus-Salaam, JJ.

M-2910 In the Matter of H., Amani Dominique; H., Charlie
Alexis - Cardinal McCloskey Services

Time to serve and file briefs enlarged to the October
2009 Term, to which Term appeal adjourned. Motion otherwise
denied.

Andrias, J.P., Catterson, Renwick, DeGrasse, Abdus-Salaam, JJ.

M-3054 Casa Redimix Concrete Corp. v Cosner Construction Corp.
Appeals consolidated.

Andrias, J.P., Catterson, Renwick, DeGrasse, Abdus-Salaam, JJ.

M-2970 Davis v The City of New York

Time to perfect appeal enlarged to the November 2009
Term, as indicated.

Andrias, J.P., Catterson, Renwick, DeGrasse, Freedman, JJ.

M-2658 Mensah v Polytechnic University

Leave to file supplemental record on appeal granted,
as indicated.

Andrias, J.P., Catterson, Renwick, DeGrasse, Freedman, JJ.

M-1768 In the Matter of C., Lambrid Shepherd; S., Creadora
M-1846 Creencia - Catholic Guardian Society and Home Bureau

Leave to prosecute appeal as a poor person granted,
as indicated. (See M-1768A, decided simultaneously herewith.)

Catterson, J.

M-1768A In the Matter of C., Lambrid Shepherd; S., Creadora
Creencia - Catholic Guardian Society and Home Bureau

Stay denied. (See M-1768 and M-1846, decided
simultaneously herewith.)

Andrias, J.P., Buckley, Moskowitz, DeGrasse, Richter, JJ.

M-2093 In the Matter of R., Brandon - Administration for
Children's Services

Leave to prosecute appeal as a poor person granted,
as indicated.

Andrias, J.P., Catterson, Renwick, DeGrasse, Abdus-Salaam, JJ.

M-2905 Otero v L&M Hub Associates, LLC - Great American
Construction Corp.
[And a third-party action]

Leave to strike joint record on appeal and dismissal
of direct appeal denied, as indicated. Appeal and cross appeal
adjourned to the October 2009 Term.

Saxe, J.P., Friedman, Moskowitz, Freedman, Richter, JJ.

M-1498 In the Matter of Velez v New York City Housing
Authority

Leave to prosecute appeal as a poor person denied.

Sweeny, J.P., McGuire, Renwick, Freedman, JJ.

M-2874 Chen v Citibank

Reargument denied.

Catterson, J.

M-2280 People v Francois, Jerry

Leave to appeal to the Court of Appeals granted, as
indicated.

Catterson, J.

M-1526 People v Williams, Ernest
Leave to appeal to this Court denied.

Catterson, J.

M-2593 People v Zapata, Juan
Leave to appeal to this Court denied.

Catterson, J.

M-2595 People v Goodwine, Gregory
Leave to appeal to this Court denied.

Catterson, J.

M-2810 People v Hernandez, Rhonda
Leave to appeal to this Court denied.

Moskowitz, J.

M-1999 People v You, Bablin, also known as
Bablin, You
Leave to appeal to this Court denied.

Mazzarelli, J.P., Saxe, Friedman, Nardelli, Buckley, JJ.

In the Matter of Attorneys Who Are in Violation
of Judiciary Law Section 468-a:

M-2979 Jodi S. Brodsky, admitted on 5-8-1989,
at a Term of the Appellate Division,
First Department

Respondent reinstated as an attorney and counselor-
at-law in the State of New York, effective the date hereof,
as indicated. No opinion. All concur.

Mazzarelli, J.P., Saxe, Friedman, Nardelli, Buckley, JJ.

In the Matter of Attorneys Who Are in Violation
of Judiciary Law Section 468-a:

M-2992 Adam Saul Hanski, admitted on 4-14-1999,
at a Term of the Appellate Division,
Second Department

Respondent reinstated as an attorney and counselor-
at-law in the State of New York, effective the date hereof.
No opinion. All concur.