

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 6, 2010.

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

-----X
Lefkas Contracting Corp.,
Plaintiff-Respondent,

-against-

M-3001X
Index No. 603373/06

The Dormitory Authority of the
State of New York,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 9, 2010 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 7, 2010, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 July 6, 2010.

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

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

-against-

Shamar Edwards,
Defendant-Appellant.

M-3008
Ind. Nos. 270/08
4729/08

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 6, 2009,

Now, upon reading and filing the stipulation between the parties dated May 31, 2010, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 July 6, 2010.

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

-----X
Lucy Raimengia,
Plaintiff-Respondent,

-against-

M-3049X
Index No. 117212/06

The 400 Realty Co., David Frankel
Realty, Inc.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 8, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 9, 2010, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 July 6, 2010.

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

-----X
Franklin Edwards,
Plaintiff-Respondent,

-against-

M-3053X
Index No. 304959/08

St. John's University, New York,
sued herein as St. John's University,
Defendant,

RJR Maintenance Group, Inc.,
Defendant-Appellant.

-----X
(And a third-party action)
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 1, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 9, 2010, 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 July 6, 2010.

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

-----X
Elizabeth Berardi,
Plaintiff-Appellant-Respondent/
Appellant,

-against-

M-3050X
Index No. 350347/05

Eugene J. Berardi, Jr.,
Defendant-Respondent-Appellant/
Respondent.

-----X

An appeal and cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about November 12, 2009,

And an appeal having been taken from the order of said Court entered on or about September 13, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 9, 2010, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeal are 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 July 6, 2010.

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

-----X
In the Matter of

Alan S. Lewis, ex rel.,

Charles Chung, Calvin Chung and
Wilma Chung,
Petitioners,

For a Judgment Pursuant to Article 78
of the CPLR,

M-5208

-against-

Honorable Justice Marilyn Shafer,
In her capacity as Justice of the
Supreme Court of the State of New
York, County of New York,
Respondent.

-----X

An Article 78 proceeding having been submitted to this Court, pursuant to CPLR 7804(b), for writs of prohibition to issue from this Court with respect to two proceedings in Supreme Court, New York County,

Now, upon reading and filing the stipulation of the parties hereto, dated May 25, 2010, and due deliberation having been had thereon,

It is ordered that the proceeding 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 July 6, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
John W. Sweeny, Jr.
James M. McGuire, Justices.

-----X
Richard Rowell,

Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-1495
Index No. 400552/08

D. Lashley and the State Division
of Human Rights,

Respondents-Respondents.
-----X

Petitioner-appellant having renewed his motion 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 August 4, 2008, 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 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, sua sponte, petitioner's appeal is dismissed. So much of the motion which seeks poor person relief is denied, as academic.

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 July 6, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Application
of David Baptiste,

Petitioner,

M-1549
Ind. Nos. 2783/08
3045/08

For a Judgment, etc.,

-against-

Hon. Bruce Allen,

Respondent.

-----X

Petitioner having moved in the nature of a writ of prohibition and/or mandamus with respect to an order of a Justice of the Supreme Court, New York County, entered on or about September 22, 2009,

And petitioner having moved for poor person relief and the assignment of counsel and to prosecute said proceeding, 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 and the proceeding dismissed without prejudice to addressing the issue upon a direct appeal.

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 July 6, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application
of Adam Hagood,
Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-1576
M-1579
Index No. 402643/08

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

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 7, 2009,

And petitioner having moved to stay eviction pending hearing and determination of the aforesaid appeal (M-1576),

And respondent-respondent having cross-moved to dismiss the appeal (M-1579),

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 cross motion is granted and the appeal is dismissed (M-1579). The motion for a stay of eviction is denied (M-1576).

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 July 6, 2010.

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

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

-against-

M-2891
Ind. No. 3303/05

Benjamin Anderson,
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 April 28, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2892
Ind. No. 2133/09

Jason J. Burgess,
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 April 27, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2894
SCI. No. 6381/10

John Doe, also known as Jayson
Placencia,
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 May 4, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2895
Ind. Nos. 2813/07
6025/07

Marcus Dreher,
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 January 30, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2896
Ind. No. 3109/07

Will Dunbar,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about December 22, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2897
Ind. No. 3437/09

Alex Echevarria,
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 April 9, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2898
Ind. No. 3808/06

Glenmore Foster,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 19, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2900
Ind. No. 2405/09

Rahim Harley,
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 May 4, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2901
Ind. No. 2281/09

Derrick J. Hill,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 13, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2902
Ind. No. 1485/03

Roberto Marti,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a order of the Supreme Court, New York County, entered on or about April 12, 2010 denying resentence, 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 upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of of any proceedings before Judge Ward, if any. 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 July 6, 2010.

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

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

-against-

M-2903
Ind. No. 1379/09

Daquan Mathis,
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 May 4, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2905
Ind. No. 2502/09

Obseas Mercado,
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 May 6, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2906
Ind. No. 6204/08

Verne Parker,
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 April 7, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2907
Ind. No. 8673/99

Oscar Peralta,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 24, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2908
Ind. No. 783/09

Allen Rice,
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 April 27, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2909
Ind. No. 1917/08

Sofia Robinson, also known as
Safia Robinson,
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 April 28, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER: 
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2910
Ind. No. 4946/02

Robert Rodriguez,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about March 22, 2010 denying resentence, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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 July 6, 2010.

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

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

-against-

M-2911
Ind. No. 3063/09

Seugn Samba, also known as Serigue
Samba,
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 April 7, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

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

-against-

M-2693
Ind. No. 1042/08

Vincent Rosado,
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 6, 2009,

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 is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of funds to post the \$5,000 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 July 6, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-2121
Case No. 32194C/05

Jermaine Bennett,
Defendant-Appellant.

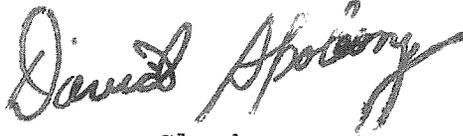
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 14, 2005, for leave to prosecute the appeal as a poor person, 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.

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 July 6, 2010.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

-against-

M-1306
Index No. 6767/88

Jerry Sanders,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 28, 1991 (Appeal No. 43108), unanimously affirming a judgment of the Supreme Court, New York County (Clifford Scott, J.), rendered on June 15, 1989,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 July 6, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2734

Ind. Nos. 1780/06

Freddy Medina,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 1, 2008,

And defendant having moved to enlarge the record on appeal to include, inter alia, certain grand jury minutes, and for related relief,

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

Ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Antonio A. Simoes,

Plaintiff-Appellant-Respondent,

-against-

M-2617
Index No. 6506/04

The City of New York,

Defendant-Respondent-Appellant.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 20, 2009,

And plaintiff-appellant-respondent having moved for an enlargement of the time of the parties in which to perfect the appeal and cross appeal in accordance with the stipulation of the parties, filed with the moving papers,

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

It is ordered that the motion is granted only to the extent of enlarging the time in which to perfect the appeal and cross appeal to the November 2010 Term. The motion is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
John W. Sweeny, Jr.
Eugene Nardelli, Justices.

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

-against-

Fabio Aza,

Defendant.

-----X

M-281
Ind. No. 6808/04

An order of this Court having been entered on December 13, 2007 (M-5519), dismissing defendant's appeal taken from the judgment of the Supreme Court, New York County, rendered on or about January 12, 2006,

And defendant having moved for an order reinstating his 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 July 6, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. McGuire
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Jose Luis Toledo, as Administrator
of the Estate of Joaquin Martinez,
etc.,
Plaintiff-Respondent,

M-1561
Index No. 25092/03

-against-

Iglesia Ni Christo,
Defendant-Appellant.
-----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 March 2, 2010 (Appeal No. 2280),

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 granting reargument and, upon reargument, the decision and order of this Court entered on March 2, 2010 (Appeal No. 2280 is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 2280, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, 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 July 6, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Keith White,
Plaintiff-Appellant,

-against-

Gabriela White,
Defendant-Respondent.
-----X

M-1557
Index Nos. 307008/05
350391/05

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 11, 2010 (Appeal No. 2327), and for related relief,

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

It is ordered that the motion is denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

-----X
Juliette DeJoie Cadichon, et al.,
Plaintiffs-Appellants,

-against-

M-2131
Index No. 16878/03

Thomas Facelle, M.D., 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 18, 2010 (Appeal No. 2096-97),

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 July 6, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John T. Buckley
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

-against-

M-2167
Ind. No. 6317/05

Robert Monfiston,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on September 16, 2008 (Appeal No. 4061),

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 July 6, 2010.

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

-----X
Betty Floyd,

Claimant,

M-2720
Claim No. 113494

-against-

The State of New York Division of
Human Rights,

Defendant.
-----X

An order of this Court having been entered on April 27, 2010 (M-1207) dismissing claimant's appeal from the order of the Court of Claims, entered on or about December 4, 2008,

And claimant having moved for reargument of the aforesaid order of this Court,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzaelli
John W. Sweeny, Jr.
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Sun Gold Corp.,

Plaintiff-Respondent,

-against-

M-2708
Index No. 401609/08

Moon Stillman, etc., et al.,

Defendants,

Mark B. Stillman, R.A.,

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, New York County, entered on or about April 29, 2009 (mot. seq. no. 004),

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 September 7, 2010 for the November 2010 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Eugene Nardelli
John T. Buckley, Justices.

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

-against-

M-892
Ind. No. 16/95

Charles Smith,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 21, 2000 (Appeal No. 624), unanimously affirming a judgment of the Supreme Court, New York County (Carol Berkman, J.), rendered on October 10, 1996,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 July 6, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Sallie Manzanet-Daniels, Justices.

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

-against-

M-2210
Ind. Nos. 6689/93
9553/93

Zhen Di Li,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 13, 1998 (Appeal No. 2255/2255A/2255B), unanimously affirming a judgment of the Supreme Court, New York County (Harold Rothwax, J.), rendered on June 29, 1994,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 July 6, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli, Justices.

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

-against-

M-2234
Ind. No. 1894/97

Larry Rodriguez,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 25, 2001 (Appeal No. 5100), unanimously affirming a judgment of the Supreme Court, Bronx County (William Mogulescu, J.), rendered on May 27, 1999,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 July 6, 2010.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Rolando T. Acosta, Justices.

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

-against-

M-2224
Ind. No. 6295/99

Jody Parrella,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 10, 2004 (Appeal No. 2812), unanimously affirming a judgment of the Supreme Court, Bronx County (Alexander Hunter, J.), rendered on August 1, 2001,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 July 6, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
214 East 90th Street Associates,
Petitioner-Landlord-Respondent,

-against-

M-2585
Index No. 570426/08

Nadja Smith,
Respondent-Tenant-Appellant.

-----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 March 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 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 July 6, 2010.

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

-----X
Cadlerock, L.L.C.,

Plaintiff-Appellant,

-against-

M-2461
Index No. 105570/08

Jan Z. Renner,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on April 6, 2010 (Appeal No. 2502),

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 July 6, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. McGuire
Sallie Manzanet-Daniels, Justices.

-----X
Kathleen Toner,
Plaintiff-Respondent,

-against-

M-1824
Index No. 24868/04

National Railroad Passenger Corp.,
et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for reargument of the decision and order of this Court entered on March 9, 2010 (Appeal No. 1929),

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 July 6, 2010.

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

-----X
Accurate Copy Service of
America, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-2727
Index No. 101802/08

Fisk Building Associates, L.L.C.,
et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 6, 2010 (Appeal No. 2504),

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 July 6, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
James M. Catterson, Justices.

-----X
Youni Gems Corp., et al.,
Plaintiffs-Appellants-Respondents,

-against-

Bassco Creations Incorporated,

M-1114
Index No. 603053/02

Defendant,

Efraim Basalel, et al.,
Defendants-Respondents-Appellants.

-----X

Defendants-respondents-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 February 9, 2010 (Appeal No. 2128N),

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 July 6, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

-against-

M-2877
Index No. 570367/05

Francisco Picarra, et al.,
Respondents-Appellants.
-----X

Petitioner-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 January 28, 2010 (Appeal No. 866),

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 July 6, 2010.

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

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

Elba S.,

Petitioner-Respondent,

M-1582
Docket No. F3174-02/06F

-against-

Enrique W.,

Respondent-Appellant.
-----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 June 1, 2007, and for assignment of counsel, a free copy of the transcript, for an enlargement of time in which to perfect said appeal, 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, to the extent it seeks an enlargement of time in which to perfect the appeal, is denied and sua sponte the appeal is dismissed. So much of the motion which seeks poor person relief is denied as academic.

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 July 6, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
William Jerome Depugh, as assignee of
Chattels and Credits, which were of
Gary Lee Depugh and Gabrielle Vickie
Depugh, who is an infant minor, and by
her Father and Natural Guardian,
William Jerome Depugh,
Plaintiffs-Appellants,

-against-

Dashnor Lita, also known as Jack Lita,
Gezium Lita, also known as Jimmy Lita,
Arben Jata, an Entity that holds itself
out as Sunrise Dairy Inc., also known as
Sunrise Dairy, A&J Dairy Inc., Brooklyn
Delight Dairy, Inc., Dannon Company Inc.,
Dannon Milk Products Inc., Dannon Delight
Distributors Inc., Stonyfield Farm, Inc.,
Yoplait USA, Inc. and General Mills Cereals,
LLC,

Defendants-Respondents.

M-2351
M-2532
M-2664
Index No. 302711/09

-----X

Defendants-respondents The Dannon Company, Inc. and
Stonyfield Farm, Inc. having moved for dismissal of the appeal taken
from the order of the Supreme Court, Bronx County, entered on or about
January 14, 2010 (M-2351),

And defendants-respondents Metro Dairy Distributors
Cooperative Inc. and General Mills Cereals, LLC having separately
cross-moved for dismissal of the aforesaid appeal (M-2532 and
M-2664),

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

It is ordered that the motion and cross motions are granted
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 July 6, 2010.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Dianne T. Renwick
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----x
Michael Margolis,

Plaintiff-Respondent,

-against-

M-2677
Index No. 303395/09

Stephanie Jowers,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 17, 2010 (mot. seq. no. 002),

And defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the aforesaid 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 denied, and the interim relief granted by the order of a Justice of this Court dated May 13, 2010 with respect to the disqualification of defendant's counsel, is hereby vacated.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

-----X
Diane Babich, et al.,
Plaintiffs-Appellants, M-1672
-against- M-2262
M-2348
Index No. 115521/06
R.G.T. Restaurant Corp., doing business
as Punch, et al.,
Defendants-Respondents.

-----X
Defendants-respondents R.G.T. Restaurant Corp., doing business as Punch, and Harold Scher having each separately 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 11, 2010 (Appeal No. 2146) [M-1672/M-2262],

And plaintiffs-appellants having cross-moved for the imposition of sanctions against defendants for frivolous motion practice [M-2348],

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

It is ordered that the motions, to the extent they seek reargument, is granted and, upon reargument, the decision and order of this Court entered on March 11, 2010 (Appeal No. 2146) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 2146, decided simultaneously herewith.) The motions, to the extent they seek leave to appeal to the Court of Appeals, are denied, and the cross motion for sanctions 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 July 6, 2010.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
Karla Moskowitz, Justices.

-----X
546-552 West 146th Street LLC, et al.,
Plaintiffs-Respondents,

Harlem I LLC, et al.,
Plaintiffs,

-against-

M-1473

M-2201

Rachel L. Arfa, et al.,
Defendants-Appellants,

Index No. 603041/06

Gadi Zamir, et al.,
Defendants.

-----X

Plaintiffs-respondents having moved for reargument of the decision and order of this Court entered on February 18, 2010 [Appeal No. 1365N] (M-1473),

And defendants-appellants having cross-moved for clarification of the aforesaid decision and order (M-2201),

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 and cross motion 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 July 6, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
LaSalle Bank National Association, etc.,

Plaintiff-Appellant-Respondent,

M-2408
Index No. 603339/03

-against-

Nomura Asset Capital Corporation, et al.,

Defendants-Respondents-Appellants.
-----X

Defendants-respondents-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 1, 2010 (Appeal No. 1879),

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 July 6, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Alejandro Santiago, et al.,
Plaintiffs-Respondents,

-against-

M-1828
Index No. 7705/07

Omar Bhuiyan, et al.,
Defendants-Appellants,

Edwin M. Lopez, et al.,
Defendants-Respondents.
-----X

Plaintiffs-respondents, Alejandro Santiago and Gretchen Rosario, 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 11, 2010 (Appeal No. 2340),

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 July 6, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Cabrini Terrace Joint Venture,

Petitioner-Respondent,

-against-

M-1728
Index No. 570255/08

Charles O'Brien,

Respondent-Appellant.
-----X

Respondent-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 11, 2010 (Appeal No. 2341), 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 and the interim relief afforded appellant by order of a Justice of this Court, dated April 1, 2010, is herewith vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

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

-against-

Salimou Dabu,
Defendant-Appellant.

M-2311
Ind. Nos. 4980/06
1502/06

-----X

An appeal having been taken to this Court from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 15, 2009,

And defendant-appellant having moved, through retained counsel, for an enlargement of time in which to perfect the appeal, and for the assignment retained counsel Robert DiDio, Esq., in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 2010 Term. The motion, to the extent it seeks assignment of retained counsel on the appeal, is denied, as unnecessary.

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 July 6, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

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

-against-

M-1332
Ind. No. 16971C/05

Steven Bosa,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 26, 2009 (Appeal No. 5309), unanimously affirming a judgment of the Supreme Court, Bronx County (Michael A. Gross, J.), rendered on May 31, 2006,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 July 6, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Karla Moskowitz
Dianne T. Renwick, Justices.

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

-against-

M-4277
Ind. No. 14385/89

Helmer Brightley,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 18, 2008 (Appeal No. 4223), unanimously affirming a judgment of the Supreme Court, New York County (Leslie Crocker Snyder, J.), rendered on July 11, 1991,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 July 6, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Angela Ruffo Suits and Adam Suits,
Plaintiffs-Respondents,

-against-

M-2864
Index No. 18622/06

Wycoff Emergency Medicine Services,
P.C. and T. Abakporo, M.D.,
Defendants,

Wyckoff Heights Medical Center,
Defendant-Appellant.
-----X

Defendant-appellant Wycoff Heights Medical Center having moved for a stay of trial in the above-entitled action pending hearing and determination of the appeals taken from orders of the Supreme Court, Bronx County, entered on or about April 20, 2009 and March 2, 2010, 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 on condition that the appeal is perfected for the November 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. McGuire
Karla Moskowitz
Helen E. Freedman, Justices.

-----X
David McCreary,
Plaintiff-Respondent,

-against-

M-881
Index No. 114348/06

St. Luke's-Roosevelt Hospital
Center, sued herein as St. Luke's
Hospital,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 26, 2009,

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before September 7, 2010 for the November 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta, Justices.

-----X

Marta Dones,

Plaintiff-Respondent,

-against-

M-2758

Index No. 300001/08

New York City Housing Authority,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 1, 2010,

And defendant-appellant having moved for an order staying trial, 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 in the County of New York on July 6, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Sultana Distribution Services Inc.,
Plaintiff-Respondent,

-against-

M-2937
Index No. 20577/09

New York Popcorn Distributors, Inc.
doing business as Coast to Coast
Candy, Robert Bruck, and Does 1-10,
Defendants,

Steven Bruck,
Defendant-Appellant.

-----X

Defendant-appellant Steven Bruck having moved for a stay of proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 28, 2010,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court, dated June 1, 2010, is vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Joseph Meighan,

Plaintiff-Appellant,

-against-

M-1849
Index No. 310827/09

Tremlet Meighan,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, an appeal taken from an order of the Supreme Court, New York County, entered on or about May 26, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, 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, sua sponte, the appeal is dismissed. So much of the motion which seeks poor person relief, is denied, as academic.

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 July 6, 2010.

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

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

Respondent,

-against-

M-2763
Ind. No. 5702/09

Weston Coote,

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 May 12, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the 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 July 6, 2010.

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

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

Respondent,

-against-

M-2773
Ind. No. 3651/08

Vernon Sharp,

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 May 11, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon petitioner-appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), including a statement of facts to show the merit of contentions, as well as a statement detailing the amount and sources of his income and listing his property with its value. (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 July 6, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
James M. Catterson
James M. McGuire, Justices.

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

-against-

Larry Wearing,
Defendant-Appellant.

M-1868
Ind. Nos. 5752/04
6485/04

-----X

A decision and order of this Court having been entered on January 3, 2008 (Appeal No. 2321), unanimously modifying a judgment of the Supreme Court, New York County (Bruce Allen, J.), rendered on August 4, 2005,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 July 6, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-2182
Index No. 113340/01

Michael K. Anthony, et al.,
Defendants,

Ryder TRS, Inc., etc., sued herein as
Ryder Truck Rental, Inc.,
Defendant-Appellant.

- - - - -
Ryder Truck Rental, Inc.,
Proposed Intervenor-Appellant.

-----X

Plaintiffs-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 11, 2010 (Appeal No. 1966),

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 July 6, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Jemrock Realty Co., LLC,

Petitioner-Respondent,

-against-

M-2533
Index No. 570593/06

Jay Krugman,

Respondent-Appellant.
-----X

Respondent-tenant-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 April 6, 2010 (Appeal Nos. 4136-4137), and for related relief,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on July 6, 2010.

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

-----X
Betty Frett,
Plaintiff-Respondent,

-against-

M-2438
Index No. 20044/03

Dr. Samuel Ruddick, DDS and Central
Park Dental Associates, PLLC,
Defendants-Appellants.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about February 24, 2010,

And defendants-appellants having moved to stay enforcement of the aforesaid judgment 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 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 July 6, 2010.

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

-----X
Robert Dembia,
Plaintiff-Respondent,

-against-

M-2601
Index No. 101245/10

Jan Blau,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 19, 2010 (mot. seq. no. 001),

And defendant-appellant having moved for an order staying all proceedings with respect to the above captioned action 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 granted to the extent of enlarging defendant's time to serve and file an answer to the complaint until 30 days from the date of entry of this order. The motion is otherwise denied. The interim relief granted by an order of a Justice of this Court dated May 10, 2010 is vacated except to said extent.

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 July 6, 2010.

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

-----X
In the Matter of the Last Will and Testament of

Arthur J. Elkan,

M-2685

M-2869

Deceased.

File No. 316P02

Lynne H. Federman,
Petitioner-Appellant,

-and-

Peter Gold,
Petitioner-Respondent,

-against-

Marion R. Gerdus,
Objectant-Respondent.

-----X
An appeal having been taken from the decree of the Surrogate's Court, Bronx County, entered on or about July 16, 2009,

And petitioner-appellant Lynne H. Federman having moved for an enlargement of time in which to perfect the aforesaid appeal (M-2685),

And objectant-respondent having cross-moved for the dismissal of the appeal (M-2869),

July 6, 2010

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 is granted to the extent of enlarging the time in which to perfect the appeal to the November 2010 Term (M-2685). The cross motion to dismiss the appeal is granted unless the appeal is perfected for said November 2010 Term (M-2869). Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided movant respondent serves a copy of this order upon the appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

Present: Hon. David Friedman, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application
of Bijan Azimi,

Petitioner-Respondent,

For a Judgment, etc.,

M-2627
Index No. 402152/08

-against-

New York City Housing Authority,

Respondent-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 8, 2008 (mot. seq. no. 001),

And petitioner-respondent 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 July 6, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Christine Sampson,
Plaintiff-Appellant,

-against-

M-910
Index No. 21502/06

Vinlo Cab Corp., et al.,
Defendants-Respondents,

J & Y Express Cab Corp. et al.,
Defendants.

-----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 2, 2010 (Appeal No. 2080/2080A),

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 July 6, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Paul Kocourek,

Plaintiff-Appellant,

-against-

M-2190
Index No. 602224/08

Booz Allen Hamilton Inc., et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for reargument and for clarification of the decision and order of this Court entered on March 16, 2010 (Appeal No. 2376),

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 July 6, 2010.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

M-2425
Ind. No. 798/05

Barret Chandler,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on November 13, 2008 (Appeal No. 4527), unanimously affirming a judgment of the Supreme Court, New York County (Charles J. Tejada, J., at Suppression hearing, Arlene Goldberg, J., at jury trial and sentencing), rendered on July 12, 2006,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 July 6, 2010.

Present: Hon. Eugene Nardelli, Justice Presiding,
James M. McGuire
Rolando T. Acosta
Helen E. Freedman
Nelson S. Román, Justices.

-----X

Nonna Osipova,

Plaintiff,

-against-

M-1260

Index No. 109769/08

J&J Hotel, Co., et al.,

Defendants.

-----X

Purported appeal(s) having been taken from the order of the Supreme Court, New York County, entered on or about November 26, 2008 (mot. seq. no. 001), which sua sponte marked off the calendar plaintiff's motion to strike defendants' answer,

And defendants having moved for an order dismissing the aforesaid purported appeal(s),

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 notice(s) of appeal are stricken as taken from a non-appealable order.
(CPLR 5701 [a] [2])

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 July 6, 2010.

PRESENT: Hon. Eugene Nardelli, Justice Presiding,
James M. McGuire
Rolando T. Acosta
Helen E. Freedman
Nelson S. Román, Justices.

-----X
In re Paula Ann Hallman,
Petitioner-Appellant,

-against-

M-2730
Index No. 4467/03

Mark Bosswick, et al.,
Respondents-Respondents

Seymour Cohn
Deceased.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 29, 2010 (Appeal No. 2663),

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.

PM ORDERS

ENTERED

JULY 1, 2010

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 1, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Eduard Rakhman, Sofiya Rakhman,
Isaak Roykhman, Larisa Roykhman,
and Angel Rivas,
Plaintiffs-Respondents,

-against-

M-2880
Index No. 400937/09

Alco Realty I, L.P., Alco Realty I,
Inc., Lichter Real Estate Number
Two, LLC., Lichter & Lichter, L.P.
Defendants,

One More Time Realty Corp.,
Defendant-Appellant.

-----X

Defendant-appellant One More Time Realty Corp. having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 5, 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 denied.

ENTER:



Clerk.

PM ORDERS

ENTERED

JULY 6, 2010

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Workmen's Circle Home and Infirmary
Foundation for the Aged, New York
State Branches, Inc., doing business
as Workmen's Circle Multicare Center,
Plaintiff-Respondent,

-against-

M-2971
Index No. 302674/07

Facsimilie Communications
Industries, Inc., doing business
as Atlantic Business Products and
Tomorrowsoffice.com,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of the order appealed to the extent it directed compliance with plaintiff's Second Notice for Discovery and Inspection, dated July 28, 2009, pending hearing and determination of the appeal taken 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 on condition that the appeal is perfected for the November 2010 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Michael Lemle, etc.,

Plaintiff-Appellant,

-against-

Florence Lemle, et al.,

Defendants-Respondents.
-----X

M-3152
Index No. 601281/07

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 20, 2010 (mot. seq. nos. 001, 002, 003),

And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid appeals,

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

It is ordered that the motion is denied.

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 July 6, 2010.

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

-----X

Alexandre Van Damme,
Plaintiff-Respondent,

-against-

M-1857
Index No. 601995/07

Nahum Gelber,
Defendant-Appellant,

Arij Gasiunasen Fine Art of Palm
Beach Inc., doing business as
Gasiunasen Gallery,
Defendant.

-----X

Nahum Gelber,
Third-Party Plaintiff-Appellant,

-against-

Third Party
Index No. 590203/08

Arij Gasiunasen,
Third-Party Defendant-Respondent.

-----X

Defendant third-party plaintiff appellant Nahum Gelber having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about July 8, 2009 (mot. seq. no. 004), August 3, 2009, March 15, 2010 (mot. seq. nos. 007 and 008), respectively, and for an enlargement of time in which to perfect said appeals,

Now, upon reading and filing the papers with respect to the motion, and the stipulation filed by the parties, dated April 19, 2010, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeal to on or before July 12, 2010 in accordance with the aforesaid stipulation.

ENTER:

A handwritten signature in black ink, reading "David Apobony". The signature is written in a cursive, flowing style with a large initial "D".

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 6, 2010.

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

-----X

Alexandre Van Damme,
Plaintiff-Respondent,

-against-

M-1857
Index No. 601995/07

Nahum Gelber,
Defendant-Appellant,

Arij Gasiunasen Fine Art of Palm
Beach Inc., doing business as
Gasiunasen Gallery,
Defendant.

-----X

Nahum Gelber,
Third-Party Plaintiff-Appellant,

-against-

Third Party
Index No. 590203/08

Arij Gasiunasen,
Third-Party Defendant-Respondent.

-----X

Defendant third-party plaintiff appellant Nahum Gelber having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about July 8, 2009 (mot. seq. no. 004), August 3, 2009, March 15, 2010 (mot. seq. nos. 007 and 008), respectively, and for an enlargement of time in which to perfect said appeals,

Now, upon reading and filing the papers with respect to the motion, and the stipulation filed by the parties, dated April 19, 2010, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeal to on or before July 12, 2010 in accordance with the aforesaid stipulation.

ENTER:

A handwritten signature in black ink, reading "David Apobony". The signature is written in a cursive, flowing style with a large initial "D".

Clerk.