

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 20, 2010.

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

-----X  
Barbara Ross and Robert Tembeckjian,  
Plaintiffs-Respondents,

-against-

M-2471X  
Index No. 304963/08

Slow Taxi Corp. and Mohammad M.  
Hossain,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 28, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 5, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 20, 2010.

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

-----X  
Luis Alcantara and Ana Guadalupe,  
Plaintiffs-Respondents,

-against-

M-2692X  
Index No. 105030/08

NY Hispanic Family Medical, P.C.  
and Alberto Urena, M.D.,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 9, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 13, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 20, 2010.

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

-----X  
Pasquale Roca and Rosa Roca,  
Plaintiffs-Respondents,

-against-

M-2694X  
Index No. 106718/08

Hunter Roberts Construction Group  
and the Rector Church Warden &  
Vestrymen of the Parish of Trinity  
Church,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 22, 2010 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 13, 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 20, 2010.

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

-----X  
Levi Alvarez,  
Plaintiff-Respondent,

-against-

M-2696X  
Index No. 13985/07

Teresa Franco and Maria F. Bonura,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 22, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 12, 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 20, 2010.

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

-----X  
Harold Einstein and Jennifer Boyd,  
Plaintiffs-Appellants,

-against-

M-2779X  
Index No. 604199/07

357 LLC, et al.,  
Defendants,

The Corcoran Group, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 7, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 19, 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 20, 2010.

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

-----X  
Jack Stone Engineers, P.C.,  
Plaintiff-Respondent,

-against-

M-2852X  
Index No. 600606/08

Gouverneur Gardens Housing Corporation,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 7, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 25, 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 20, 2010.

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

-----X  
Yehoshua Segal,  
Plaintiff-Appellant,

-against-

M-3021X  
Index No. 602340/08

Varonis Systems, Inc., et al.,  
Defendants-Respondents.  
-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about September 23, 2008 (mot. seq. no. 003), September 24, 2009 (mot. seq. no. 05), September 25, 2009 (mot. seq. no. 004), September 28, 2009 (mot. seq. no. 002), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 8, 2010, and due deliberation having been had thereon,

It is ordered that the appeals 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 20, 2010.

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

-----X  
Standard Credit Group, LLC,  
Plaintiff-Respondent,

-against-

M-3163X  
Index No. 602902/09

Richard Rothaar,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 18, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 16, 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 20, 2010.

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

-----X  
UBS Securities, LLC,  
Plaintiff-Respondent,

-against-

M-3164X  
Index No. 601544/07

Suburban Propane Partners, L.P.,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 26, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 16, 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 20, 2010.

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

-----X  
Kevin Holze and Lisa Holze,  
Plaintiffs-Appellants,

-against-

M-3181X  
Index No. 100285/07

Yonkers Racing Corporation, et al.,  
Defendants-Appellants,

Tishman Construction Corporation of  
New York,  
Defendant-Respondent.

-----X

Appeals having been taken from an order of the Supreme Court, New York County, entered on or about September 10, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 17, 2010, and due deliberation having been had thereon,

It is ordered that the appeals 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 20, 2010.

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

-----X  
Lapidus & Associates, LLP,  
Plaintiff-Respondent,

-against-

M-3209X  
Index No. 601955/05

Elizabeth Street, Inc., et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 10, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 18, 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 20, 2010.

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

-----X  
Faye Robinson,  
Petitioner-Respondent,

-against-

Claudette Jenkins,  
Respondent-Appellant.  
-----X

M-3222X  
Index No. 107130/08

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 8, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 21, 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 20, 2010.

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

-----X  
Penson Financial Services, Inc.,  
Plaintiff-Respondent,

-against-

M-3225X  
Index No. 600667/09

Jesup & Lamont, Inc., Steven Rabinovici  
and Donald A. Wojnowksi,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 24, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 21, 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 20, 2010.

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

-----X  
VOIP Services International Group  
LLC,  
Plaintiff-Respondent,

-against-

M-3259X  
Index No. 104417/08

A.H. Schreiber Co., Inc.,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 11, 2010 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 23, 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 20, 2010.

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

-----X  
Calyon,  
Plaintiff-Respondent,

-against-

M-3270X  
Index No. 600407/09

Vitro Envases Norteamerica, S.A.,  
De C.V.,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 12, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 23, 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 20, 2010.

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

-----X  
CP Hotels (Bermuda) Ltd., a Bermuda  
Company; Administradora De Vacaciones  
FHP, S.A. DE C.V., a Mexico Company,  
Plaintiffs-Respondents,

-against-

M-3271X  
Index No. 650101/09

Diamante Resorts Limited, a Bermuda  
Company,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 15, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 23, 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 20, 2010.

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

-----X  
Rafael Jimenez,  
Plaintiff-Respondent,

-against-

275 Ft. Washington Associates, LLC,  
Defendant-Appellant.  
-----X

M-3272X  
Index No. 110077/07

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 12, 2010 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 23, 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 20, 2010.

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

-----X  
Illinois National Insurance Company,  
et al.,  
Plaintiffs-Respondents,

-against-

M-3285X  
Index No. 604466/05

General Star Indemnity Company,  
Defendant-Appellant,  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 24, 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 20, 2010.

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

-----X  
Susan Wiener,  
Plaintiff-Appellant,

-against-

M-3286X  
Index No. 350396/04

Jack Wiener,  
Defendant-Respondent.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about December 24, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 24, 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 20, 2010.

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

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

-against-

M-2318  
Ind. No. 4240/08

Joanna Zayas,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 7, 2009,

Now, upon reading and filing the stipulation between the parties dated April 22, 2010, with respect to the judgment, 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 20, 2010.

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

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

-against-

M-2649  
Ind. No. 2325/03

Lendell Vaughn,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County; entered on or about July 16, 2009,

Now, upon reading and filing the stipulation dated May 10, 2010, with respect to the judgment, 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 20, 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-2676  
Ind. No. 5235/07

Dwight McNair,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 4, 2009,

Now, upon reading and filing the stipulation between the parties dated May 10, 2010, with respect to the judgment, 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 20, 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-2810  
Ind. No. 5478/02

Anthony Smith,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County; entered on or about January 21, 2009,

Now, upon reading and filing the stipulation dated May 19, 2010, with respect to the judgment, 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 20, 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-2836  
Ind. No. 6031/99

Deysaan Bey,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 23, 2008,

Now, upon reading and filing the stipulation dated February 22, 2010, with respect to the judgment, 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 20, 2010.

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

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

-against-

M-3119  
Ind. No. 8075/00

James Oates,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County; entered on or about January 15, 2009,

Now, upon reading and filing the stipulation dated April 19, 2010, with respect to the judgment, 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 20, 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-3120  
Ind. No. 4585/06

Cesar Hilo,  
Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about August 7, 2008,

Now, upon reading and filing the stipulation between the parties dated May 16, 2010, with respect to the judgment, 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 20, 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-3121  
Ind. No. 2323/01

Roland Jenkins,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County; entered on or about December 9, 2008,

Now, upon reading and filing the stipulation dated May 28, 2010, with respect to the judgment, 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 20, 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-3122  
Ind. No. 4783/02

Victor Ramos,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County; entered on or about August 25, 2008,

Now, upon reading and filing the stipulation dated May 28, 2010, with respect to the judgment, 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 20, 2010.

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

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

-against-

M-3207  
Ind. No. 8879/99

JoJo Jourdan, also known as Ellis Jones,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County; entered on or about May 28, 2009,

Now, upon reading and filing the stipulation dated May 27, 2010, with respect to the judgment, 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 20, 2010.

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

-----X  
Elaine Bennett,  
Plaintiff-Appellant,

-against-

M-2695X  
Index No. 14632/06

NYC Transit Authority,  
Defendant-Respondent.  
-----X

An appeal and cross appeal having been taken from the amended judgment of the Supreme Court, Bronx County, entered on or about December 4, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 13, 2010, and due deliberation having been had thereon,

It is ordered that the appeal 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 20, 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-3136  
Ind. No. 3580/08

Huston Belvett,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 2, 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 granted to the extent of permitting the appeal to be heard upon 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 20, 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-3137  
Ind. No. 4911/09

Martin Calderon, also known as  
Martin E. Calderon,  
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 March 16, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

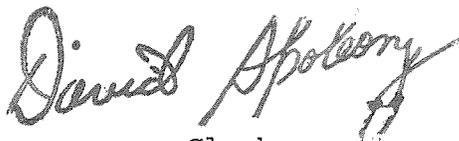
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon 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 20, 2010.

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

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

-against-

M-3138  
Ind. Nos. 6404/07  
3209/08

Brice Carrow,  
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 July 23, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, 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.

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 20, 2010.

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

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

-against-

M-3139  
Ind. No. 2572/09

Edwin Espada,  
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 granted to the extent of permitting the appeal to be heard upon 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.

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 20, 2010.

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

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

-against-

M-3140  
Ind. No. 1010/08

Peter Grado,  
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 granted to the extent of permitting the appeal to be heard upon 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.

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 20, 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-3142  
Ind. No. 6257/09

Evelyn Laporte,  
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 March 9, 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 granted to the extent of permitting the appeal to be heard upon 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 20, 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-3143  
Ind. No. 2703/07

Karim McLaughlin, also known as  
Kareem McLaughlin,  
Defendant-Appellant.

-----X  
Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 26, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

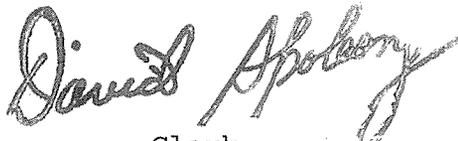
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, 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.

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 20, 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-3146  
Ind. No. 2180/09

Robert Spencer,  
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 18, 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 granted to the extent of permitting the appeal to be heard upon 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.

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 20, 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-3145  
Ind. No. 5614/08

Rafael Rabinovich-Ardans,  
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 granted to the extent of permitting the appeal to be heard upon 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 20, 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-2344  
Ind. No. 2927/09

Anthony Powelette,  
  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 16, 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 \$25,000 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 20, 2010.

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

-----X  
Yuan Zhai,  
Plaintiff,

-against- M-2428  
Index No. 571089/02

Chemical Bank, et al.,  
Defendants.

-----X  
(Supreme Court Index No. 114299/96  
Civil Court Index No. 395TSN/98  
Appellate Term Index No. 571089/02)  
-----X

Plaintiff having moved, pursuant to CPLR 602(a) and 1002(b), to unite all parties at extraordinary trial term and empanel a grand jury to assess civil and criminal liabilities,

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

Ordered that plaintiff's motion is denied and, sua sponte, plaintiff is hereby prohibited from filing any further motions with this Court without prior permission from this Court to so file.

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 20, 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-2717  
Ind. No. 2594/08

Marlon Sullivan,  
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 January 4, 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 granted to the extent of permitting the appeal to be heard upon 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 20, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X

Elena Strujan,

Plaintiff-Appellant,

-against-

M-2751

Index No. 406368/07

Rainbow Ace Hardware, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 9, 2009 (mot. seq. no. 004),

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

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

Ordered that the motion is 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 20, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
In the Matter of

Ameenah C.,  
Gwenell W. M.,  
Jamelia H.  
and Shaquana C.,

M-2303  
Docket Nos. NN27050/09  
NN27051/09  
NN27052/09  
NN27053/09

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

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

Wykisha C.,  
Respondent-Appellant.

-----  
Steven Banks, Esq.,  
Law Guardian for the Children.

-----X  
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about April 7, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq.,

July 20, 2010

19 Court Plaza, Suite 201, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

---

<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 20, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
Town House Management, A Partnership,  
Petitioner-Landlord-Respondent,

-against-

Joseph Belinsky,  
Respondent-Tenant-Appellant,

-and-

M-2429  
Index No. 570109/09

Joita Goga Belinsky,  
Respondent-Undertenant-Appellant,

-and-

Alex Cuchiarella and Chris Donaldson,  
Respondents-Undertenants.

-----X

Respondents Joseph Belinsky and Joita Goga Belinsky having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about February 3, 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 20, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
In the Matter of

Aria E.,

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

M-2386  
Docket No. NN13270/08

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

Lisette B.,  
Respondent-Appellant.

-----  
Kinda Serafi, Esq./Adam Brown, Esq.,  
Law Guardians for the Child.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the orders of the Family Court, New York County, entered on or about June 12, 2009 and July 23, 2009, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 20, 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-2342  
Ind. No. 1154N/08

Akwasiba Radellant,  
Defendant-Appellant.

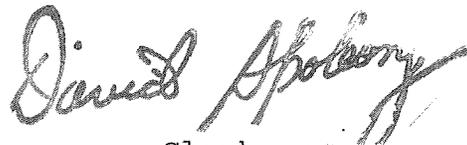
-----X

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 March 3, 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 \$5,000 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 20, 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-2462  
Ind. No. 106/07

Reginald Pearson,  
Defendant-Appellant.  
-----X

And an appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 28, 2008,

And an order of this Court having been entered on June 26, 2008 (M-2870), granting poor person relief and assigning Richard M. Greenberg, Esq., as counsel on the appeal,

And an appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 17, 2009,

And defendant having moved for consolidation of said appeals, 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 consolidating the appeals and extending the poor person relief and assignment of counsel granted by the order of this Court entered on June 26, 2008 (M-2870) to cover the consolidated appeals. The time to perfect the appeals is enlarged to 120 days from the date of filing of the record(s).

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 20, 2010.

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

-----X  
Windels Marx Lane & Mittendorf, LLP,

Plaintiff-Respondent,

-against-

M-2589

Index No. 115508/08

Curtis Sylvester and Eutrice Sylvester,

Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 5, 2009 (mot. seq. no. 001),

And plaintiff-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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected on or before September 7, 2010 for the November 2010 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the appellants 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 20, 2010.

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

-----X  
In Rem Tax Foreclosure Action No. 49  
Borough of Manhattan M-2737  
Sections 2, 3, 4, 5, 6, 7 & 8 Index No. 580001/08  
Tax Classes 1 and 2  
-----X

Ramasar Holding, Inc.,  
Third Party Plaintiff,

-against-

Third Party  
Index No. 590412/08

The New York City Department of Law,  
et al.,  
Third Party Defendants.

-----X  
Third-party plaintiff having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 5, 2009 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 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 20, 2010.

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

-----X  
In re Gary D'Andrea, et al.,  
Petitioners,

-against-

M-2947  
Index No. 115599/08

Raymond Kelly, as Police Commissioner  
of the City of New York, et al.,  
Respondents.

-----X

Petitioners having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 18, 2010 (Appeal No. 1806),

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 20, 2010.

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

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

Respondent,

-against-

M-2359  
Ind. No. 4511N/07

Eddie Delgado,

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 April 14, 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 \$7,500 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 20, 2010.

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

-----X  
In the Matter of the Application of  
Kevin Moten,  
Petitioner,

For a Judgment, etc.,

M-2577  
Index No. 107526/08

-against-

New York City Housing Authority,  
Taft Houses,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 1, 2008 (mot. seq. no. 001),

And respondent having moved for dismissal of the aforesaid proceeding for failure to timely perfect,

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

It is ordered that the motion is granted and the proceeding 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 20, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Application of  
Valery Juste,  
Petitioner-Appellant,

For a Judgment, etc., M-2251  
Index No.116017/08

-against-

Joel I. Klein, Chancellor of the  
Department of Education of the City  
of New York, et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 6, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for an enlargement of time in which to perfect said appeal,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The time in which to perfect said appeal is enlarged to 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 20, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
American Home Assurance Company,  
Plaintiff-Respondent/Appellant,

-against-

M-2396  
Index No. 603610/05

Sirius America Insurance Company,  
Defendant-Appellant/Respondent,

-and-

BFC Construction Corp. and Kent  
Waterfront Builders LLC,  
Defendants-Respondents,

Christopher D'Antonio, et al.,  
Defendants.

-----X

Separate appeals having been taken by respective appellants from the order of the Supreme Court, New York County, entered on or about March 9, 2010,

And defendants-respondents having moved for an order dismissing the aforesaid appeals or, in the alternative, consolidating said appeals 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 to dismiss the appeals is granted to the extent of directing the appellants to perfect their respective appeals upon a joint record on or before October 4, 2010 for the December 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 20, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
James M. McGuire  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
In the Matter of

Brianna L.,

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

M-1808  
Docket No. B463/09

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

Brandon L.,  
Respondent-Appellant.

-----  
Lisa May, Esq.,  
Lawyers for Children, Inc.,  
Law Guardian for the Child.

-----X  
An appeal having been taken by respondent-appellant father from the order of the Family Court, New York County, entered on or about October 2, 2009,

And an order of this Court having been entered on December 29, 2009 (M-4960), granting respondent-appellant father poor person relief and assigning Steven N. Feinman, Esq., as counsel on the appeal, and directing the Clerk of the Family Court, New York County, to have transcribed the minutes of all proceedings held therein,

And Steven N. Feinman, Esq., counsel for respondent-appellant father, having moved for an order compelling Jessica Lopez, former Court Reporter of the Family Court, New York County, to transcribe any and all minutes in her possession with respect to the aforesaid appeal,

July 20, 2010

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

Ordered that the motion is granted to the extent of directing Jessica Lopez, former Court Reporter of the Family Court, New York County, to have transcribed any and all minutes in her possession with respect to the aforesaid appeal, within 30 days from the date of service upon Ms. Lopez of a copy of this order, which counsel for respondent-appellant father is directed to serve upon Ms. Lopez, the Clerk of the Family Court and the Chief Court Reporter within 10 days from the date of entry hereof. If the aforesaid minutes do not exist or cannot be found, Ms. Lopez is directed to submit an affidavit to such effect.

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 20, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
Linden Airport Management Corp.,  
et al.,  
Petitioners-Appellants,

-against-

M-2178  
Index No. 114642/08

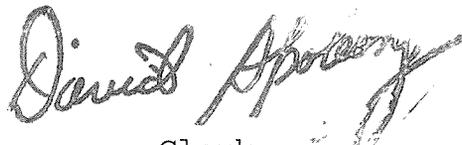
New York City Economic Development  
Corporation, et al.,  
Respondents-Respondents.  
-----X

Petitioner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 16, 2010 (Appeal No. 2360),

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 20, 2010.

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

-----X  
Coast to Coast Energy, Inc., and  
Coast to Coast American Drilling I  
LP,  
Plaintiffs-Respondents,

-against-

M-3187  
Index No. 602044/09

Mark Gasarch, John Wampler,  
Continental Drilling Corporation,  
Gasmark Corp. and Albert B. Greco,  
Defendants-Counterclaim  
Plaintiffs-Appellants,

-against-

Coast to Coast Energy, Inc. and  
Coast to Coast American Drilling I  
LP, Lawrence Doherty and John and  
Jane Does 1-250 (Unidentified).,  
Counterclaim Defendants-  
Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 5, 2010,

And plaintiffs, Coast to Coast Energy, Inc., et al., having moved for clarification of the order of this Court entered on June 15, 2010 (M-2545),

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 20, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
Richard B. Cohen,  
Plaintiff-Respondent,

-against-

M-2324  
Index No. 103900/07

Akabas & Cohen, etc., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from the amended judgment of the Supreme Court, New York County, entered on or about January 14, 2010 and from the order of said Court entered on or about February 9, 2010,

And plaintiff-respondent having moved for an order dismissing the aforesaid appeal or, in the alternative, for dismissal of so much of said appeal with respect to issues which could have been raised by defendant's in their appeal from the order entered December 8, 2008 which was dismissed by the order of this Court entered on October 29, 2009 (M-4958), 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 dismissing the appeal unless defendants perfect the appeal on or before September 7, 2010 for the November 2010 Term with no further enlargements to be granted. That portion of the motion which seeks dismissal of so much of the appeal with respect to issues related to the order of said Court entered on or about December 8, 2008 is denied without prejudice to respondent addressing that issue on the instant 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 20, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Eugene Nardelli  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-1700  
Ind. No. 1538/01

Beltra Cruz,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about February 16, 2010 denying resentence, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 proceedings before Judge Seewald, 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.

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 20, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. McGuire  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of the Application of

Judith Melendez,  
Petitioner,

M-2325  
Index No. 114670/09

For a Judgment Pursuant to Article  
78 of the CPLR,

-against-

Rafael E. Cestero, et al.,  
Respondents.

-----X  
An Article 78 proceeding to review a determination of respondents, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 27, 2010,

And respondents having moved to vacate any stay of a certain nonpayment proceeding presently pending in Civil Court, Housing Part, L&T Index No. 87103/09,

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 unless petitioner perfects the aforesaid proceeding 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 respondents serve 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 20, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Eugene Nardelli  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X  
Sassi Efrat,

Plaintiff-Appellant,

-against-

M-2573

Index No. 117006/08

NYC Five Inc., et al.,

Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about October 8, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

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 20, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Eugene Nardelli  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

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

-against-

Francisco Sanchez, also known as  
Eduardo Mendez,  
Defendant-Appellant.

M-2465  
Ind. Nos. 1982N/08  
7592/92

-----X

An order of this Court having been entered on March 16, 2010 (M-121) granting defendant poor person relief with respect to his appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about November 10, 2009 under Indictment No. 7592/92 and assigning Steven Banks, Esq., as counsel to prosecute said appeal,

And assigned counsel having moved on behalf of defendant for an enlargement of time in which to serve and file a notice of appeal from the judgment of said Court rendered on or about September 9, 2009 and the judgment of **resentence** thereof on November 19, 2009 under Indictment No. 1982N/08 and for an extension of the poor person relief previously afforded defendant under Indictment No. 7592/92 to cover the aforesaid judgment and judgment of **resentence** under Indictment No.1982N/08,

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, the moving papers deemed a timely filed notice of appeal from the judgment rendered on September 9, 2009 and the judgment of **resentence** rendered on November 19, 2009 under Indictment No. 1982N/08, and the poor person relief previously granted to defendant is extended to cover same and the assignment of Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. (212) 577-3688 as counsel for purposes of the aforesaid appeals under Indictment No. 7592/92 is extended to cover the appeals under Indictment No. 1982N/08.

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 20, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Eugene Nardelli  
James M. Catterson, Justices.

-----X  
Jose Rodriguez,  
Plaintiff-Appellant,

-against-

M-2446  
Index No. 25095/96

Bronx-Lebanon Hospital Center,  
Defendant-Respondent.  
-----X

Defendant-respondent having moved for dismissal of the appeal from the judgment of the Supreme Court, Bronx County, entered on or about September 4, 2008, for failure to timely prosecute,

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 20, 2010.

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

-----X  
In the Matter of  
Spencer Isaiah R., also known as  
Spencer R., also known as  
Spencer I.R., Jr., also known as  
Spencer J.,

A Dependant Child Under the Age of 14  
years pursuant to Section 384-b of  
the Social Services Law,

M-2933  
Docket No. B-465/09

SCO Family of Services,  
Petitioner-Respondent,

Michelle J., also known as Michelle G.,  
Respondent-Appellant,

Tamara A. Steckler, Esq.,  
Law Guardian.

-----X  
Petitioner-respondent having moved for dismissal of the appeal from the order of the Family Court, New York County, entered on or about August 4, 2009, for failure to timely prosecute,

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 20, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
James M. Catterson  
James M. McGuire  
Nelson S. Román, Justices.

-----X  
In the Matter of

Tyrique Alexandra B.,

A Dependent Child under 18 Years  
of Age Pursuant to §384-b of the  
Social Services Law.

M-1751A  
Docket No. B957/09

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

Alexandra B. B., also known as  
Alexandria Bridget B.,  
Respondent-Appellant.

-----  
Hal Silverman, Esq., Lawyers for  
Children,  
Law Guardian for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about January 6, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (603) 313-1951, as

July 20, 2010

counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. (The order of this Court entered on June 15, 2010 [M-1751] is herewith recalled and vacated.)

ENTER:



Clerk.

---

<sup>1</sup>Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 20, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

-against-

M-2600  
Ind. No. 3603N/09

Arcenio Guerrero,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 8, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, 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 M. 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 20, 2010.

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

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

Respondent,

-against-

M-2213  
Ind. No. 3352/08

Larry Martorell,

Defendant-Appellant.  
-----X

An order of this Court having been entered on May 26, 2009 (M-2033) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 15, 2009, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
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 20, 2010.

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

-----X  
The National Black Theatre Workshop  
Incorporated,

Plaintiff-Respondent,

-against-

M-3129

Index No. 105906/08

Nubian Properties LLC, et al.,

Defendants,

Harlem Apple, LLC,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about August 31, 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 to the extent of enlarging the time in which to perfect the appeal to 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 20, 2010.

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

-----X  
Joy Correge,

Plaintiff-Appellant,

-against-

1472 Broadway, Inc., et al.,

Defendants-Respondents.

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

M-3071  
Index No. 114166/08

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about September 2, 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 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.

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 20, 2010.

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

-----X  
Jacqlene C. Hall, an infant under  
the age of 14 years, by her mother  
and natural guardian, Sabrina C.  
Tolbert, and Sabrina C. Tolbert,  
individually,

M-3161  
Index No. 111797/01

Plaintiffs-Appellants,

-against-

New York City Board of Education,

Defendant-Respondent.  
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about September 15, 2009 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to 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 20, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
Lawrence A. Omansky and Nicolena  
Omansky, also known as Linda Omansky, M-1765  
Plaintiffs-Appellants, M-1994  
M-2148  
-against- Index No. 102875/08

Joseph Martin Carasso,  
Defendant-Respondent.

-----X  
Lawrence A. Omansky and 64 N. Moore  
Associates, M-1765  
Plaintiffs-Appellants, M-1994  
M-2148  
-against- Index No. 600647/99

Robert Gurland, Mark Winkleman, Dru  
Whitacre, The Spice Building  
Condominium, and 64 No. More, LLC,  
Defendants-Respondents.

-----X

Appeals having been taken by plaintiffs from the orders of the Supreme Court, New York County, entered on or about June 17, 2009 (Index No. 102875/08) and on or about January 12, 2009 (Index No. 600647/99), and said appeals having been perfected,

And plaintiffs-appellants having moved for an order permitting the *nunc pro tunc* filing of an amended/corrected brief and record on appeal (M-1765),

And defendants Mark Winkleman and 64 No. More, LLC (M-1994) and defendant Joseph Martin Carasso (M-2148) having cross moved to dismiss the aforesaid appeals,

July 20, 2010

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 plaintiffs' motion (M-1765) is deemed a motion for reargument of the prior order of this Court entered on March 2, 2010 (M-426/M-569/M-611) and, as such, is denied. The cross motions are granted and the appeals are 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 20, 2010.

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

-----X  
Miguelina Nunez, and Miguel Nunez  
as father and natural guardian of  
Roberta Nunez, a minor under the  
age of 18 years,

M-3198  
Index No. 103308/07

Plaintiffs,

-against-

Mariners Temple Baptist Church and  
Mariners Educational Center, Inc.,

Defendants.

-----X  
Mariners Temple Baptist Church,

Third-Party Plaintiff-Respondent,

Third-Party  
Index No. 590663/08

-against-

Nautilus Insurance Group,

Third-Party Defendant-Appellant.  
-----X

Third-party defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about October 14, 2009 (mot. seq. no. 001),

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.

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 20, 2010.

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

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

-against-

M-3108  
Ind. No. 5935/07

Steve McMillan,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about October 14, 2008, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief, for the assignment of new 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 granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before October 4, 2010 for the December 2010 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned. So much of the motion which seeks the assignment of new counsel to prosecute the appeal 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 20, 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-2822  
Ind. No. 2967/08

Adam Doctor,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Gregory Carro, J.) entered on or about April 23, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:

  
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 20, 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-2765  
Ind. No. 2405/09

Christian Jaquez,  
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 on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, 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 20, 2010.

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

-----X  
St. Margaret's House Housing  
Development Fund Corporation,  
Petitioner-Landord-Respondent,

-against-

M-2715  
M-2955  
Index No. 570323/09

Joshua Hope,  
Respondent-Tenant-Appellant.

-----X

Respondent-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about February 8, 2010 (M-2715),

And petitioner-respondent having cross moved (M-2955) for vacatur of the stay of eviction in effect pursuant to CPLR 5519(a),

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

It is ordered that the motion for leave to appeal from the Appellate Term is denied (M-2715). The cross-motion (M-2955) for an immediate vacatur of the stay of eviction in effect pursuant to CPLR 5519(a) 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 20, 2010.

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

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

-against-

M-2317  
Ind. No. 2337/06

Jose L. Figueroa,  
Defendant-Appellant.

-----X  
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 20, 2008,

And Steven Banks, Esq., assigned counsel for defendant, having moved to dismiss said appeal on the grounds that defendant has been deported,

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

Ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 20, 2010.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2285

Ind. No. 1549/09

Joseph Richards,

Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about April 7, 2010,

And defendant having moved for leave to prosecute the appeal as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for leave to proceed pro se in connection with the aforesaid appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion; and a letter having been issued by the Court to appellant on April 22, 2010, advising him of the consequences of proceeding pro se, and due deliberation having been had thereon,

It is ordered that the motion, to the extent it seeks leave to prosecute the appeal as a poor person, 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 \$25,000 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), and it is further,

Ordered that the motion, to the extent it seeks leave to proceed pro se on the appeal, is denied, with leave to renew upon submission of a response to the letter issued by this Court on April 22, 2010, stating that defendant understands the consequences of proceeding pro se.

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 20, 2010.

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

-----X

Nicholas Torres,

Plaintiff-Appellant,

-against-

M-2283

Index No. 25410/93

The City of New York,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 12, 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 to the extent of enlarging the time in which to perfect the appeal to 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 20, 2010.

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

-----X  
Metropolitan Taxicab Board of  
Trade, et al.,  
Petitioners-Appellants,

-against-

M-2033  
Index No. 110594/09

The New York City Taxi &  
Limousine Commission ("TLC"),  
et al.,  
Respondents-Respondents.

-----X

Petitioners-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 16, 2010 (Appeal No. 2373),

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 20, 2010.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Jane Gladstein,  
Plaintiff-Appellants,

-against-

M-2115  
Index No. 602276/07

Christopher H. Martorella,  
Defendant-Respondent.  
-----X

Defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 4, 2010 (Appeal No. 1838),

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

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

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

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

M-2753  
Ind. No. 3027/77

-against-

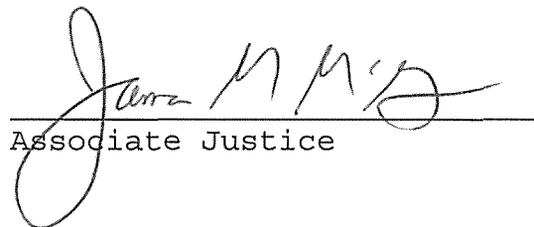
CERTIFICATE  
DENYING LEAVE

Rafael Almeyda,

Defendant.

-----X

I, James M. McGuire, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 26, 2010 is hereby denied.

  
Associate Justice

Dated: June 30, 2010  
New York, New York

ENTERED: JUL 20 2010

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

BEFORE: Hon. JAMES M. MCGUIRE  
Justice of the Appellate Division

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

Respondent-movant,

M- 3206  
SCI No. 5765/06

-against-

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

DWIGHT ASHE,  
Defendant.

-----x

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

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

  
Justice of the Appellate Division

Dated: June 30, 2010  
New York, New York

ENTERED: JUL 20 2010

\*Description of Order:

Supreme Court, New York County, entered on January 26, 2007.  
App. Div., First Dept., Appeal No. 2094, Revd on June 10, 2010.

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

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

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

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

M-2706  
Ind. No. 10208/96

-against-

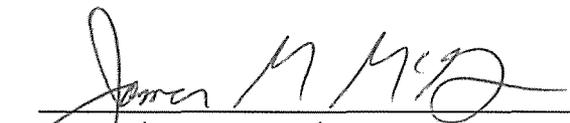
CERTIFICATE  
DENYING LEAVE

Dexter Washington,

Defendant.

-----X

I, James M. McGuire, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 23, 2010 is hereby denied.

  
Associate Justice

Dated: June 30, 2010  
New York, New York

ENTERED: JUL 20 2010

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

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

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

M - 2850  
Ind. No. 1430/03

-against-

CERTIFICATE  
DENYING LEAVE

Trevers Jackson,

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 23, 2010, is hereby denied.



Hon. Rolando T. Acosta  
Associate Justice

Dated: June 30, 2010  
New York, New York

ENTERED: JUL 20 2010

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

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

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

M - 2859  
Ind. No. 2950/90

-against-

CERTIFICATE  
DENYING LEAVE

James Brown,

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about March 11, 2010, is hereby denied.

  
\_\_\_\_\_  
Hon. Rolando T. Acosta  
Associate Justice

Dated: June 30, 2010  
New York, New York

ENTERED:

JUL 20 2010

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

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

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

M - 2846  
Ind. No. 4049/98

-against-

CERTIFICATE  
DENYING LEAVE

Nicolas Cosme,

Defendant.  
-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 17, 2010, is hereby denied.

  
\_\_\_\_\_  
Hon. Rolando T. Acosta  
Associate Justice

Dated: June 30, 2010  
New York, New York

ENTERED: JUL 20 2010

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

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

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

M - 2856  
Ind. No. 4997/96

-against-

CERTIFICATE  
DENYING LEAVE

Jose Rosa,

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about April 5, 2010, is hereby denied.



Hon. Rolando T. Acosta  
Associate Justice

Dated: June 30, 2010  
New York, New York

ENTERED: JUL 20 2010

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

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

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

M - 2847  
Ind. No. 0179/05

-against-

CERTIFICATE  
DENYING LEAVE

Adolfo Gutt,

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 16, 2010, is hereby denied.

  
\_\_\_\_\_  
Hon. Rolando T. Acosta  
Associate Justice

Dated: July 1, 2010  
New York, New York

ENTERED:  
**JUL 20 2010**

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

BEFORE: Hon. Nelson S. Román,  
Justice of the Appellate Division

-----X  
Roni J.,  
Petitioner-Appellant,

-against-

M-2945  
Docket No. 012447-06/09A

Joseph R.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for a stay of execution of the order of the Family Court, Bronx County, entered on or about May 20, 2010, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

Dated: New York, New York

  
\_\_\_\_\_  
Hon. Nelson S. Román  
Associate Justice

Entered: JUL 20 2010

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT

JUL 20 2010

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

-----x

In the Matter of David A. Mahler,  
a suspended attorney:

Departmental Disciplinary Committee                   M-1458  
for the First Judicial Department,  
Petitioner,

David A. Mahler,  
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental  
Disciplinary Committee for the First Judicial Department.  
Respondent, David A. Mahler, was admitted to the Bar of the  
State of New York at a Term of the Appellate Division of  
the Supreme Court for the First Judicial Department on  
August 12, 1991.

Alan W. Friedberg, Chief Counsel, Departmental  
Disciplinary Committee, New York  
(Naomi F. Goldstein, of counsel), for petitioner.

No appearance for respondent.

M-1458 - April 7, 2010

IN THE MATTER OF DAVID A. MAHLER, A SUSPENDED ATTORNEY

PER CURIAM

Respondent David A. Mahler<sup>1</sup> was admitted to the practice of law in the State of New York by the First Judicial Department on August 12, 1991.<sup>2</sup> He does not maintain an office for the practice of law within this Department, and has not registered with the Office of Court Administration since the 1991-1992 registration period.<sup>3</sup> By order entered September 17, 1998, this Court suspended respondent from the practice of law until further order of this Court, based on his failure to comply with the attorney registration requirements of Judiciary Law § 468-a.

By information entered July 16, 2007, respondent was charged in the Superior Court of California, County of Los Angeles, with the murder of his girlfriend, Kristin Baldwin, in violation of California Penal Code § 187(a) (count 1), and assault with a firearm upon his roommate, David Van Develde, in violation of California Penal Code § 245(a)(2) (count 2), both felonies in

---

<sup>1</sup> Respondent is currently incarcerated and has not submitted any papers in this matter.

<sup>2</sup> The Committee states in its petition that respondent was admitted on September 11, 1991; however, the OCA database lists August 12, 1991 as his admission date, as does this Court's order of suspension.

<sup>3</sup> As the admitting Department, this Court retains continuing disciplinary jurisdiction over respondent (22 NYCRR 603.1[a]).

California.

On September 14, 2009, a jury found respondent not guilty of murder in the first degree, but guilty of murder in the second degree, and further found that, in the commission of that offense, respondent "personally and intentionally discharged a firearm, namely: a handgun, which cause[d] great bodily injury and death to Kristin Baldwin within the meaning of Penal Code Section 12022.53(D)". The jury also found respondent guilty of assault with a firearm upon David Van Develde. On October 9, 2009, respondent was sentenced to a prison term of 40 years to life on the murder count (15 years to life for murder, plus 25 years to life as an enhancement for use of a firearm) to run consecutively to a term of 3 years on the assault count. The Departmental Disciplinary Committee (Committee) now petitions this court for an order pursuant to Judiciary Law § 90(4)(b) striking respondent's name from the roll of attorneys on the ground that he was automatically disbarred as a result of his conviction of California felonies that would constitute felonies if committed under New York law.<sup>4</sup>

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<sup>4</sup> The Committee initially attempted service of the petition upon respondent on March 18, 2010 by first class and certified mail to the detention center address provided by the California authorities. Both mailings were returned to the Committee with the stamping "released." The Committee re-served respondent by first class and certified mail on April 5, 2010 to the new detention facility provided by the California authorities. Respondent has not submitted any response in this matter.

A conviction of a felony under another State's laws does not trigger automatic disbarment unless the offense would constitute a felony under New York's Penal Law (Judiciary Law § 90[4][e]; *Matter of Kim*, 209 AD2d 127 [1995]). The foreign felony need not be a "mirror image" of the New York felony, but must be "essentially similar" (*Matter of Margiotta*, 60 NY2d 147, 150 [1983]; *Matter of Shubov*, 25 AD3d 33 [2005]).

Section 187(a) of the California Penal Code defines murder as "the unlawful killing of a human being . . . with malice aforethought."<sup>5</sup> Section 188 provides that "malice" can be either "express or implied," and explains:

"It is express when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature. It is implied, when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart.

When it is shown that the killing resulted from the intentional doing of an act with express or implied malice as defined above, no other mental state need be shown to establish the mental state of malice aforethought. Neither an awareness of the obligation to act within the general body of laws regulating society nor acting despite such awareness is included within the definition of malice."

The California Supreme Court has explained that:

"Malice is implied when the killing is proximately caused by an act, the natural consequences of which are dangerous to life, which act was

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<sup>5</sup> Section 189 defines first degree murder as including certain enumerated types of murders. The statute states that "[a]ll other kinds of murders are of the second degree."

deliberately performed by a person who knows that his conduct endangers the life of another and who acts with conscious disregard for life. In short, implied malice requires a defendant's awareness of engaging in conduct that endangers the life of another - no more, and no less"

(*People v Knoller*, 41 Cal 4<sup>th</sup> 139, 143, 158 P3d 731, 733

[2007] [internal quotation marks and citation omitted]).

The Committee contends that the California murder statute is essentially similar to the New York felony of murder in the second degree (Penal Law § 125.25). There is no indication in the California jury's verdict whether the malice aforethought was express or implied. If the murder were committed with express malice, it would be essentially similar to New York's intentional murder statute (Penal Law § 125.25[1]) because both statutes require an intent to cause the death of another person.

The Committee argues that implied malice murder under the California statute is essentially similar to New York's depraved indifference murder (Penal Law § 125.25[2]). Although an argument can be made that implied malice murder under California law is different from New York's depraved indifference murder, we need not decide that issue because, at the very least, the California statute, supported by the jury verdict, is essentially similar to the New York felony of manslaughter in the second degree (Penal Law § 125.15). Under that provision, a person is guilty of manslaughter in the second degree when "[h]e recklessly causes the death of another person." Penal Law § 15.05(3) states

that "[a] person acts recklessly with respect to a result . . . when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur." Implied malice murder, as interpreted by the California Supreme Court, has, at least, essentially the same mental state as reckless manslaughter in New York. Thus, under any analysis of the California statute, respondent would have committed a New York felony.<sup>6</sup>

Accordingly, the petition is granted, and respondent's name is stricken from the roll of attorneys, pursuant to Judiciary Law §§ 90(4)(a) and (b), on the ground that he was automatically disbarred as a result of his conviction of murder under California Penal Code § 187(a), a California felony that would constitute a felony if committed under New York law, effective nunc pro tunc to September 14, 2009, the date of his conviction.

All concur.

Order filed.

(July 20, 2010)

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<sup>6</sup> In light of our conclusion, we need not determine whether the California felony of assault with a firearm is essentially similar to a New York felony.

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT

JUL 20 2010

Peter Tom, Justice Presiding,  
James M. McGuire  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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In the Matter of Richard M. Garbarini,  
an attorney and counselor-at-law:

Departmental Disciplinary Committee M-4123  
for the First Judicial Department, M-5058  
Petitioner,

Richard M. Garbarini,  
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental  
Disciplinary Committee for the First Judicial Department.  
Respondent, Richard M. Garbarini, was admitted to the Bar of  
the State of New York at a Term of the Appellate Division of  
the Supreme Court for the Second Judicial Department on  
September 15, 1999.

Alan W. Friedberg, Chief Counsel, Departmental  
Disciplinary Committee, New York  
(Raymond Vallejo, of counsel), for petitioner.

Sarah Diane McShea, for respondent.

M-4123, M-5058 (November 16, 2009)

IN THE MATTER OF RICHARD M. GARBARINI, AN ATTORNEY

PER CURIAM

Respondent Richard M. Garbarini was admitted to the practice of law in the State of New York by the Second Judicial Department on September 15, 1999. At all times relevant herein, respondent has maintained an office for the practice of law within the First Department.

In November 2008, the Departmental Disciplinary Committee (Committee) served respondent with an amended notice of seven charges, accusing him of several instances of misconduct, in that he: submitted to a law firm a resume containing false information regarding his academic history and prior employment; submitted to the same firm, as a writing sample, a memorandum of law he falsely represented as his own; misrepresented, when questioned by the firm, that he was the author of the writing sample; falsely represented to the Committee in a June 2006 letter that he had prepared the writing sample; and failed to disclose on his 1999 bar application a 1996 arrest for the misdemeanor of driving under the influence of alcohol and conviction of the traffic violation of driving while impaired. Respondent, in addition, was arrested in February and April 2001 for the misdemeanor of criminal possession of a controlled substance (cocaine) in the seventh degree, in connection with which he entered two guilty

pleas to the violation of disorderly conduct.<sup>1</sup>

Charges 1 through 4 alleged that respondent's submission of a resume containing false information and his misrepresentations concerning the writing sample constituted conduct involving dishonesty, fraud, deceit, or misrepresentations, in violation of DR 1-102(A)(4) (22 NYCRR 1200.3[a][4])<sup>2</sup>

Charges 5 and 6 alleged that respondent's conduct resulting in his two 2001 arrests and guilty pleas adversely reflected on his fitness as a lawyer, in violation of DR 1-102(A)(7) (22 NYCRR 1200.3[a][7])<sup>3</sup>

Charge 7 alleged that, by failing to disclose on his bar application his 1996 arrest and conviction, respondent made a materially false statement, or deliberately failed to disclose a material fact requested, in violation of DR 1-101(A) (22 NYCRR 1200.2(a)).<sup>4</sup>

The Referee sustained charges 1 through 7, and recommended a sanction of public censure. The Hearing Panel agreed with the

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<sup>1</sup>One more count, charge 8, alleged that respondent's failure to disclose his substance abuse problem on his bar application violated DR 1-101(A). The Referee and the Hearing Panel dismissed that charge on the ground that respondent did not comprehend his problem at the time, and the Committee does not contest that dismissal.

<sup>2</sup>This provision was renumbered Rule 8.4(c), 22 NYCRR 1200.58(c), effective April 1, 2009.

<sup>3</sup>Renumbered Rule 8.4(h), 22 NYCRR 1200.58(h).

<sup>4</sup>Renumbered Rule 8.1(a)(2), 22 NYCRR 1200.55(a)(2).

Referee's findings, but recommended a stayed nine-month suspension.

The Committee moves to confirm the findings of misconduct, but to disaffirm to the extent of increasing the sanction to a one-year suspension. Respondent cross moves to disaffirm to the extent of imposing a sanction of public censure.

Liability is not disputed herein; the only issue is the extent to which respondent's substance abuse problems and previously undiagnosed psychiatric disorders warrant mitigation of the sanction to be imposed. Respondent's father was an alcoholic. His oldest brother died of a heroin overdose, and his remaining seven siblings abused drugs or alcohol. Respondent's drinking began at age 19. In early 2000, he tried cocaine and became addicted almost immediately. In late 2000, respondent was fired from the firm he was employed at. Respondent worked briefly at two firms, and also performed contract work through a temporary agency. After another one of his brothers died in the World Trade Center attacks, respondent's substance abuse problem worsened.

In December 5, 2005, respondent submitted an embellished resume to a law firm, as well as a writing sample that he falsely represented as his own. Noticing that the date on the sample did not correspond to respondent's period of alleged employment, the hiring partner made further inquiries and discovered that

respondent had falsely represented his work history. The hiring partner thereupon reported the matter to the Committee. By that point, respondent was abusing drugs and alcohol daily and living "like an animal."

Respondent credits the disciplinary inquiry as a major factor in his recovery. On December 4, 2006, respondent entered a 32-day residential treatment program and he remains sober to this day. He attends daily AA meetings, weekly group therapy and individual sessions, undergoes random drug testing, takes medication for bipolar disorder, and has been monitored by the New York City Bar Lawyer Assistance program since November 2006.

Respondent started working at his current law firm in April 2007 in a temporary capacity. He was later made a full-time associate. The firm knows of respondent's past and is fully supportive and accommodating of his therapy schedule.

Respondent's psychiatrist testified that respondent suffers from bipolar disorder, alcohol dependence and grief reaction. He opined that respondent's behavior was the "product of manic behavior probably augmented and lubricated by healthy doses of alcohol and drugs."

The Referee sustained charges 1 through 7 and recommended a sanction of public censure, noting that respondent had "gotten his life back together," took full responsibility for his conduct, and was committed to recovery. The Referee believed

suspension could derail the recovery respondent had made in his professional and personal life. The Hearing Panel agreed with the Referee's liability findings, but disagreed as to the appropriate sanction. The Hearing Panel recommended a sanction of a stayed suspension of nine months, provided respondent continue in treatment, remain drug free, and maintain gainful employment until November 2011. The Hearing Panel acknowledged that this Department does not impose stayed suspensions, but cited the Third Department's practice. The Committee now moves to confirm the findings of fact and conclusions of law sustaining the seven charges, but seeks to increase the sanction to a one-year suspension.

Respondent's addiction does not excuse his misconduct, but may be considered as a mitigating factor in determining the appropriate sanction to be imposed (*see Matter of Bambury*, 169 AD2d 168 [1991]). Under these circumstances, we find that public censure, as recommended by the Referee, is appropriate. Cases where censure was imposed have involved conduct comparable to, or even more egregious than, respondent's, or less compelling mitigating factors (*see e.g. Matter of Katz*, 15 AD3d 1 [2005]; *Matter of Dorfman*, 304 AD2d 273 [2003]).

Respondent's misconduct, while serious, did not affect any clients, and stemmed from a serious substance abuse problem. Respondent has no prior disciplinary record, has expressed

remorse, and has remained sober and employed at a law firm for three years. Multiple sources confirm respondent's impressive recovery with respect to abstinence, treatment, honesty, and work. Although the Committee argues that he remains at high risk of recurrence, he has a three-year record of successful recovery efforts. Moreover, he is voluntarily continuing his intensive therapy and treatment, monitored by a number of doctors and programs.

Accordingly, the Committee's motion is granted to the extent of confirming the findings of fact and sustaining charges 1 through 7, and the cross-motion is granted to the extent that respondent should be censured, and respondent should continue treatment and remain under the supervision of the New York City Bar Lawyer Assistance Program for a period of one year.

All concur.

Order filed.

(July 20, 2010)

PM ORDERS

ENTERED

JULY 13, 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 13, 2010.

Present: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X

Jane Wheeler,

Plaintiff,

-against-

**M-3288**

Index No. 300662/08

Robert C. Wheeler,

Defendant.

-----X

Defendant having moved for leave to appeal to this Court from the order of a Justice of the Supreme Court, New York County, entered on or about June 18, 2010, 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.

PM ORDERS

ENTERED

JULY 20, 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 20, 2010.

Present - Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----x  
June Slates,

Plaintiff-Respondent,

-against-

New York City Housing Authority,  
Defendant-Appellant-Respondent,

M-3391  
Index No. 118382/06

The City of New York,  
Defendant,

-and-

Stealth Contracting, Inc.,  
Defendant-Respondent-Appellant.

-----x  
An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 15, 2010 (mot. seq. nos. 003, 004),

And defendant-appellant New York City Housing Authority having moved for a stay of trial pending hearing and determination of their 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 stay of trial is granted. The attention of the parties is directed to Rule 600.11(d) of this Court with respect to a joint record and costs thereof.

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 20, 2010.

Present: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Diane T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
Rafael Rodriguez, a shareholder of  
EB 100 Realty Corp., suing in the  
right of EB 110 Realty Corp., and  
Rafael Rodriguez, individually,  
Plaintiff-Respondent,

**M-3307**  
Index No. 116200/05

-against-

Dennis Estevez, et al.,  
Defendants-Appellants.

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Arthur J. Kremer,  
Non-Party Receiver.

-----X  
(And another action)

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 23, 2010,

And non-party receiver, Arthur J. Kremer, having moved for a preference in the hearing of the aforesaid appeal, and for an order directing defendants-appellants to post an undertaking 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 directing defendants to perfect their appeal on or before September 7, 2010 for the November 2010 Term. So much of the motion which seeks an order directing the posting of an undertaking 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 20, 2010.

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

-----X

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

- - - - -  
Arelis Carmen S.,  
Petitioner-Respondent,

**M-2928**  
Docket Nos. V-03654-99/06G  
V-03655-99/06

-against-

Daniel H. (Father),  
Respondent-Appellant.

- - - - -  
Steven N. Feinman, Esq.,  
Law Guardian for the Children,  
Arelis H. and Daniel H.

-----X

An appeal having been taken by respondent-appellant father from the order of the Family Court, New York County, entered on or about July 13, 2009,

And Jeffrey Rosenbluth, Esq., law guardian for the subject children, Arelis and Daniel H., having moved for an order to be relieved as law guardian and to substitute other counsel to respond to the appeal,

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

Ordered that the motion is granted to the extent of relieving movant as law guardian and substituting, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, Tel. No. 914-949-8214 as law guardian for purposes of responding to the appeal.

ENTER:



Clerk.