

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 11, 2010.

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

-----X
1319 Third Avenue Realty Corp.,
Plaintiff-Appellant,

-against-

M-583X
Index No. 119585/02

Chateaubriant Restaurant Development
Company, LLC,
Defendant-Respondent,

-and-

Ahmed Qasemi,
Non-Party Judgment Debtor.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 2, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 11, 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-615
Ind. No. 2476/08

Zearus Robinson,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 22, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated February 1, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 11, 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-616
Ind. No. 3092/08

Ezequiel Brito,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 20, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated February 2, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 11, 2010.

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

-----X
EFCO Corp.,
Plaintiff-Appellant,

-against-

M-620X
Index No. 600146/07

Liberty Mutual Insurance Co.,
Graystone Construction Corp., and
Two Star Associates, Inc.,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 30, 2009 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 4, 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 March 11, 2010.

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

-----X
New York City Economic Development
Corporation,
Plaintiff-Respondent,

-against-

M-614
Index No. 405031/07

Corn Exchange, LLC,
Defendant-Appellant.
-----X

An appeal having been taken from a order of the Supreme Court, New York County, entered on or about August 22, 2008 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated January 22, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 2010 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 11, 2010.

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

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

Metropolitan Transportation Authority,
relative to acquiring title in fee
simple absolute to certain real property
and terminating private interests in
vaults in certain New York City
sidewalks, required for the

Fulton Street Transit Center Project
Phase 2

Block 79, Lot 15; Block 79, Lot 16;
Block 79, Lot 18; Block 79, Lot 19;
Block 79, Lot 21 (Fee and Vaults);
Block 79, Lot 25; Block 79, Lot 26
(Vaults)

M-329
Index No. 401188/08

as said property is shown on the current
Tax Map of the Borough of Manhattan,
City and State of New York.

-----X
DLR Properties, LLC (Block 79, Lot 16),

Claimant-Respondent
Cross-Appellant

-against-

Metropolitan Transportation Authority,
Condemnor-Appellant
Cross-Respondent.

-----X

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 1, 2009,

And claimant-respondent-cross-appellant DLR Properties LLC having moved, pursuant to CPLR 5519(c), for a modification of a stay obtained by condemnor-appellant-cross-respondent Metropolitan Transit Authority pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties hereto, "so ordered" January 29, 2010, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 March 11, 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-444
Ind. No. 5548/05

Conica Campbell,
Defendant-Appellant.

-----X
An order of this Court having been entered on November 25, 2008 (M-4887) assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about June 2, 2006,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal is stricken; and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, NY 10003, Tel. No. 212-790-0368, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the 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 March 11, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
James M. Catterson
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Guardianship
and Custody of

Tiara A.,

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

- - - - -
Edwin Gould Services for Children
and Families, et al.,
Petitioners-Respondents,

M-5842
Docket No. B-24466/07

Cynthia T., also known as Cynthia
Annette T.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about November 4, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 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 therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal 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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 11, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
James M. Catterson
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Michael B.,

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-5845
Docket No. N-478/09

Administration for Children's
Services,
Petitioner-Respondent,

Maria R.,
Respondent-Appellant,

Victoria A. and Michael B.,
Respondents.

Laura Daley, Esq., Lawyers for
Children,
Law Guardian for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about November 12, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, John E. Halpin, Esq., 530 Fifth Avenue, 23rd Floor, New York, New York 10036, Telephone No. (212)944-1121, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal 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

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 11, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Eugene Nardelli
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

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

-against-

M-358
Ind. No. 1518/08

Jesus Medero,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 7, 2009, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 March 11, 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,

Appellant,

-against-

M-669
Case No. 43054C/07

Arcadio Guzman,

Defendant-Respondent.
-----X

An appeal having been taken by the People from the order of the Supreme Court, Bronx County, entered on or about May 13, 2009, and said appeal having been perfected,

And upon the Court's own motion, it is

Ordered that poor person relief is granted and defendant is permitted to respond to the aforesaid appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the People and 10 copies thereof are filed with this Court, and that 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, is assigned as defendant's counsel for purposes of responding to the 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 March 11, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Eugene Nardelli
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Jomo Williams,

Petitioner-Appellant,

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

M-353
Index No. 401950/09

-against-

W.C. Thompson, Jr., etc., 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 September 25, 2009 (mot. seq. no. 001), 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 March 11, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
James M. McGuire
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Dragisa Jovicevic,
Plaintiff-Respondent,

-against-

M-542
Index No. 108337/06

Structure Tone, Inc., Donnelly Mechanical Corp. and Latham & Watkins LLP,
Defendants-Appellants,

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

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about March 4, 2009 and December 18, 2009, respectively,

And defendants-appellants having moved to stay trial pending hearing and determination of the aforesaid appeals,

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

Ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 11, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Eugene Nardelli
Rosalyn H. Richter, Justices.

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

-against-

M-434
Ind. No. 2764/03

Jorge Adoms,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 20, 2004, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 March 11, 2010.

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

Celenia M.,
Petitioner-Respondent,

-against-

M-439
Docket Nos. V10736-97/07F
V10736-97/07G
V10736-97/07H

Faustino M.,
Respondent-Appellant.

Seth M. Kaufman, Esq.,
Law Guardian for the Child.
-----X

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about August 14, 2008,

And Colleen Samuels, Esq., 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 law guardian and substituting, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Seth M. Kaufman, Esq., 61 Broadway, Suite 2125, New York, NY 10006, Telephone No. (646) 249-4416, as law guardian for purposes of responding to the appeal. Sua sponte, the appeal is adjourned to the June 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 March 11, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

-against-

M-277
Ind. No. 666/07

Alfonzo Faulk,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 26, 2007,

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 September 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 March 11, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Ralph Dickerson, Jr.,

Plaintiff-Respondent,

-against-

Gloria Deanna Dickerson,

Defendant-Appellant.
-----X

M-369
Index No. 350111/05.

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 March 16, 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 June 2010 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that plaintiff-respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 11, 2010.

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

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

-against-

M-412
Ind. No. 7219/92

Sheldon Parker,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 20, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 11, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

-against-

M-229
Ind. No. 4589/07

Nouchie Vellon,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 3, 2009 (M-24), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 14, 2008, 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, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, 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 March 11, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

-against-

M-127
Ind. No. 307/08

Mikal Smith,
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, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed. Defendant-appellant's time in which to perfect the appeal is enlarged until 120 days after receipt of the transcripts.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on March 11, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Sandra B. Durant, doing business as
Durant & Associates,

Plaintiff-Appellant,

-against-

M-562
Index No. 602946/04

Robert Tomasichio,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 21, 2010 (mot. seq. no. 008),

And plaintiff-appellant having moved to stay enforcement of the aforesaid order, pending hearing and determination of the appeal,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 11, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In the Matter of the Application of
Scheil Darvish holder of one-half of all
outstanding shares entitled to vote in
election of Directors of Haslacha, Inc.,
Urban Homes, Inc. and Primary Residence,
Inc.,

Petitioner-Respondent,

-against-

For the dissolution of Haslacha, Inc.,
Urban Homes, Inc. and Primary Residence,
Inc., domestic Corporations pursuant to
§ 1104 of the BCL.,
Respondents-Appellants.

M-4210

M-5235

Index No. 123089/01

-----X
An order of this Court having been entered on October 13, 2009 (M-310/M-312/M-462/M-463/M-811), dismissing the appeals taken by various respondents-appellants from the orders of the Supreme Court, New York County, entered on or about December 15, 2008, December 19, 2008, December 24, 2008 and December 31, 2008, respectively,

And Yung H. Hsu having moved on behalf of respondent-appellant Haslacha, Inc. for an order enlarging the time in which to perfect their appeals dismissed by the aforesaid order of this Court entered on October 13, 2009 (M-4210),

And respondent-appellant David Lavian having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the order of this Court entered on October 13, 2009 which dismissed their appeals (M-5235),

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

It is ordered that the motions are denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 11, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Deborah Phillips,

Plaintiff-Appellant,

-against-

M-3973
Index No. 101127/07

City of New York and New York City
Department of Homeless Services,

Defendants-Respondents.
-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 28, 2009 (Appeal No. 55),

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated October 29, 2009 from Corporation Counsel to the Clerk of this Court advising the Court of plaintiff's death, and more than four months having passed since the date of the aforesaid correspondence, and due deliberation having been had thereon,

It is ordered that the motion is dismissed, with leave to renew, within 30 days after the date of entry hereof, upon a demonstration of service of the moving papers and a copy of this order upon decedent's former counsel and any other person or persons interested in decedent's estate, with a direction to show cause why the motion granting leave to appeal should not be granted.

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 March 11, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman
Nelson S. Román, Justices.

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

-against-

M-457
Ind. Nos. 5759/03
620/04

Claude Danton,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 22, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 11, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman
Nelson S. Román, Justices.

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

-against-

M-460
Ind. No. 6395/99

Les Matthews,
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, rendered on or about January 19, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of any proceeding pursuant to §722 of the County Law. 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 March 11, 2010.

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

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

Angel M.,

Petitioner-Appellant,

M-53

Docket No. V496/07

-against-

Nereida M.,

Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, Integrated Domestic Violence Part, entered on or about September 17, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, New York 10606, Telephone No. 914-682-2171, as counsel for purposes of prosecuting the appeal;
(2) directing the Clerk of said Family Court to have transcribed

the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal 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

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

CORRECTED ORDER – May 19, 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 March 11, 2010.

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

-----X
In the Matter of

Ramzy F.,

A Person Alleged to Be a Juvenile
Delinquent,

M-5721
Docket No. D-14278/09

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute the appeal from the orders of the Family Court, Bronx County, entered on or about July 23, 2009 and November 18, 2009, as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 603-313-1951, 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 State of New York from funds available therefor;¹ **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

¹Service of appellant's brief upon respondent 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 March 11, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Helen E. Freedman, Justices.

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

-against-

M-64
Ind. No. 6703/08

Roberto Restoperez,
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 November 17, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

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

Defendant-appellant's time in which to perfect the appeal is 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 March 11, 2010.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Helen E. Freedman, Justices.

-----X
In the Matter of

Jared S. and
Monet A. S.,

M-302
Docket Nos. NN4549-50/08

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,
Petitioners-Respondents,

Monet S.,
Respondent-Appellant.

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Law Guardian for the Children.

-----X

Respondent-Appellant having moved for leave to prosecute, as a poor person, the appeal from an order of disposition of the Family Court, Bronx County, entered on or about October 8, 2008, and for assignment of counsel, a free copy of the transcript, an enlargement of time 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 (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Dora M. Lassinger, Esq., 6 Howland Road,

East Rockaway, New York 11518, Telephone No. (516)887-8987, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal 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 time to perfect the appeal is enlarged to the September 2010 Term.

ENTER:


Clerk

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 11, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Helen E. Freedman, Justices.

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

-against-

M-304
Ind. No. 5076/08

Bennie Jamison,
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 June 3, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 March 11, 2010.

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

-----X
James Pettus,
Petitioner,

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

M-5839
Index No. 6117/02

-against-

Robert M. Morgenthau, et al.,
Respondents.

-----X

Petitioner having moved for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about December 3, 2009, for leave to prosecute said appeal as a poor person, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

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

BEFORE: Hon. Luis A. Gonzalez,

Justice.

-----X M - 633

The People of the State of New York, : CERTIFICATE
- against - : DENYING LEAVE

Exaudis Keaway, : Indictment No.
: 1730/06

Defendant. : Indictment No.
: 3024/04

-----X

I, Luis A. Gonzalez, 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 Section 460.15 of the Criminal Procedure Law, 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 October 29, 2009, is hereby denied.

Dated: New York, New York
March 8, 2010

ENTERED

Luis A. Gonzalez
Justice

MAR 11 2010

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

BEFORE: Hon. Sheila Abdus-Salaam
Justice of the Appellate Division

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

M- 539
Ind. No. 5157/1971

-against-

CERTIFICATE
DENYING LEAVE

Bernard DeVeaux

Defendant.
-----X

I, Sheila Abdus-Salaam, 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 December 9, 2009 is hereby denied. So much of the motion which seeks poor person relief is denied as academic.



Associate Justice

Dated: New York, New York
March 2, 2010

ENTERED: March 11, 2010

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

BEFORE: Hon. Sheila Abdus-Salaam
Justice of the Appellate Division

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

M- 570
Ind. No. 5640/1990

-against-

CERTIFICATE
DENYING LEAVE

Fred Charlemagne, also known as Alfred
Charlemagne,
Defendant.

-----X

I, Sheila Abdus-Salaam, 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 December 2, 2009 is hereby
denied.



Associate Justice

Dated: March 2, 2010
New York, New York

ENTERED: March 11, 2010

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

MAR 11 2010

David Friedman,	Justice Presiding,
John W. Sweeny, Jr.	
Eugene Nardelli	
James M. Catterson	
Helen E. Freedman,	Justices.

-----x

In the Matter of Ian D. Girshek,
(admitted as Ian David Girshek),
an attorney and counselor-at-law:

Departmental Disciplinary Committee for the First Judicial Department, Petitioner,	M-5634
--	--------

Ian D. Girshek,
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent, Ian D. Girshek, 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
February 13, 2002.

Alan W. Friedberg, Chief Counsel, Departmental
Disciplinary Committee, New York
(Ann E. Scherzer, of counsel), for petitioner.

Hal R. Lieberman, for respondent.

M-5634 January 29, 2010

IN THE MATER OF IAN D. GIRSHEK, AN ATTORNEY

PER CURIAM

Respondent Ian D. Girshek was admitted to the practice of law in the State of New York by the Second Judicial Department on February 13, 2002 under the name Ian David Girshek. At all times relevant to these proceedings, respondent maintained an office for the practice of law within the First Judicial Department.

The Departmental Disciplinary Committee now moves for an order, pursuant to 22 NYCRR 603.11, accepting respondent's affidavit of resignation from the practice of law and striking his name from the roll of attorneys.

Respondent acknowledges that a disciplinary investigation was commenced against him in June 2009, while he was an associate at a law firm. Respondent admits that while handling cooperative and condominium closings for the firm, he and certain non-lawyers diverted a fictitious brokerage commission to which they were not entitled, from the firm's escrow account, to a company that he formed called Millenium 1851, and for whose account he was a signatory. Their intention was to share the money they had wrongfully obtained from the firm's client amongst themselves. When respondent's misconduct was discovered a few days after the closing, he made prompt restitution to the firm and resigned. Respondent further admits that, during the course of his

employment with the firm, he wrongfully diverted additional funds totaling approximately \$22,220 for which he has similarly made restitution. Finally, respondent acknowledges that if charges were predicated upon the misconduct under investigation, he could not successfully defend himself on the merits against such charges.

Respondent's affidavit, sworn to on November 20, 2009 (as corrected February 9, 2010) complies with this Court's rule regarding the resignation of attorneys under these circumstances (22 NYCRR 603.11). He states that (1) his resignation is submitted freely, voluntarily, and without coercion or duress, and that he is fully aware of the implications of submitting his resignation, namely, that the resignation is the equivalent of a disbarment; (2) he is aware that he is currently the subject of an investigation by the Disciplinary Committee; and (3) if the Committee brought charges against him predicated upon the alleged misconduct under investigation, he could not successfully defend himself on the merits against such charges (22 NYCRR 603.11[a][1] - [3]).

Accordingly, the motion should be granted, respondent's resignation accepted and his name stricken from the roll of attorneys and counselors-at-law in the State of New York, effective nunc pro tunc to November 20, 2009 (*Matter of Lieberman*, 23 AD3d 91 [2005]).

All concur.

Order filed.

PM ORDERS

ENTERED

MARCH 9, 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 March 9, 2010.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----x
Sirius America Insurance Company,
et al.,
Plaintiffs-Respondents,

-against-

M-853
Index No. 600785/04

Burlington Insurance Company,
Defendant-Appellant,

K.J.S. Construction Inc., et al.,
Defendants.

-----x

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 18, 2008 (mot. seq. no. 008),

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 June 2010 Term, with no further enlargements to be granted.

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 March 9, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
225 Fifth Avenue Retail LLC,
Plaintiff-Respondent,

-against-

M-655
Index No. 601659/07

225 5th, LLC, The El-Ad Group, Ltd.,
and Industrial Buildings Corporation
Ltd.,
Defendants-Appellants.

-----X

Defendant-appellant the El-Ad Group, Ltd. having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 20, 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 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 March 9, 2010.

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

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

-against-

M-163A
Ind. No. 3782/07

Angela Perez, also known as Angela
Ciano,
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeals from orders of the Supreme Court, New York County, entered on or about July 23, 2008 and March 3, 2009, respectively, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of (1) permitting movant to respond to the consolidated appeals upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the People and 10 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Matthew J. Galluzzo, Esq., 48 Wall Street, 11th fl., New York, New York 10006, Telephone No. 212-918-4661, as counsel for purposes of responding to the consolidated appeals.

It is further ordered that the consolidated appeals are adjourned to the June 2010 Term. The order of this Court entered on February 24, 2010 (M-163) is hereby recalled and vacated.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 9, 2010.

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

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

Appellant,

-against-

M-76

Ind. No. 3782/07

Douglas Latta,

Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeals from orders of the Supreme Court, New York County, entered on or about July 23, 2008 and March 3, 2009, respectively, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of (1) permitting movant to respond to the consolidated appeals upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the People and 10 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Theodore M. Herlich, Esq., 299 Broadway, Suite 1808, New York, New York 10007, Telephone No. 212-227-2716, as counsel for purposes of responding to the consolidated appeals.

It is further ordered that the consolidated appeals are adjourned to the June 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 March 9, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Joy Booth,
Plaintiff-Appellant-Respondent,

-against-

M-894
Index No. 108653/06

Neiman-Marcus Group, Inc., Bergdorf
Goodman Inc., 754 Fifth Avenue
Associates, L.P., Newton Acquisition
Inc., Carter Hawley Hale Stores, Inc.,
William Sawch, Joseph Squillaro,
Russell Auth, Jerry Tucci, Sr.,
Defendants-Respondent,

Sweet Construction Corp., Sweet
Construction of Long Island LLC,
Steven S. Alessio,
Defendants-Appellants-Respondents,

Code Fire Protection Corp., EW Howell
Co., Inc., Control Air Inc., J. Tucci
Construction Corporation James F.
Meyers,
Defendants.

-----X
Sweet Construction Corp; Sweet
Construction of Long Island LLC and
Steven S. Alessio,
Third-Party-Plaintiffs,

-against-

LWC Construction Corp., LWC, Inc.,; LWC
Construction Group, Inc., LWC General
Construction Inc; TPG Capital, L.P.;
Warburg Pincus, LLC; Newton Acquisition
Merger Sub, Inc.; 754 Fifth Avenue
Associates, L.P.; The Neiman-Marcus
Group, Inc.; Bergdorf Goodman, Inc.
and Neiman Marcus,
Third-Party Defendants,

Third Party
Index No. 590734/07

-----X

-----X
 Sweet Construction Corp; and Sweet
 Construction of Long Island LLC;
 Second-Third-Party-Plaintiffs,

-against-

A.J. Contracting Corp of New York, TPG
 Capital, L.P.; Warburg Pincus, LLC; Newton
 Acquisition Merger Sub, Inc.; 754 Fifth
 Avenue Associates, L.P.; The Neiman-Marcus
 Group, Inc.; Bergdorf Goodman, Inc; and
 Neiman Marcus,
 Second-Third-Party Defendants.

-----X

Defendants Sweet Construction Corp, Sweet Construction of
 Long Island LLC and Steven S. Alessio having moved for a stay of
 trial pending hearing and determination of the appeal taken from
 the order of the Supreme Court, New York County, entered on or
 about October 28, 2009 (mot. seq. no. 016),

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 March 9, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Portia A. Hinton,

Plaintiff-Respondent,

-against-

M-817

Index No. 14126/07

The City of New York, et al.,

Defendants-Appellants.

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

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

And defendants having moved to stay trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 9, 2010.

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

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

270 Realty Associates, LLC,
Petitioner-Respondent,

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

-against-

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

M-882
Index No. 100374/08

-and-

William Harding, John Sims, William
Hodges and Elgenia Mitchell,
Intervenors-Appellants.

-----X

An order of this Court having been entered on or about October 15, 2009 (M-4054/M-4055) consolidating the appeals from orders of the Supreme Court, New York County, entered on or about November 10, 2008 (mot. seq. no. 001) and March 6, 2009 (mot. seq. no. 003), respectively, and enlarging the time in which to perfect said consolidated appeals to the May 2010 Term,

And intervenors-appellants having moved for a further enlargement of time in which to perfect the aforesaid consolidated appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to the June 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 March 9, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of the Application of
Gerard A. Urciuoli,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-764
Index No. 112443/08

Department of Citywide Administrative
Services and the New York City Police
Department,

Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 7, 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 June 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 March 9, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----x
Joan Officer and David Officer,
Plaintiffs-Respondents,

-against-

M-891

Index No. 150415/07

450 Park LLC., Taconic Investment
Partners LLC.,
Defendants-Appellants,

Guardsmark, LLC.,
Defendant.

-----x
Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about September 24, 2009 (mot. seq. no. 003),

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

It is ordered that the motion is denied.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 9, 2010.

Present: Hon. David Friedman, Justice Presiding,
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Hermany Farms, Inc.,

Plaintiff-Respondent,

-against-

M-856

Index No. 250572/08

Seneca Insurance Company, Inc.,
Defendant-Appellant.

-----X

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

And defendant-appellant having moved for a stay of the aforesaid order,

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

Ordered that the motion is granted to the extent of staying defendant's obligation to indemnify and defend plaintiff in the underlying tort action pending the instant appeal on condition defendant perfects the appeal on or before March 29, 2010 for the June 2010 Term with respondent's brief to be served and filed on or before April 28, 2010 and appellant's reply, if any, to be served and filed on or before May 7, 2010. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 9, 2010.

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

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

Respondent,

-against-

Gilbert Lacen,

Defendant-Appellant.
-----X

M-496
Ind. No. 2120/07

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 20, 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 June 2010 Term.

ENTER:



Clerk.