

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 December 16, 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-4898
Ind. No. 1963/06

Geraldo Aitken,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 15, 2008 (M-6634) assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 4, 2007; and a motion having been made by assigned counsel to be relieved, or in the alternative, to dismiss 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It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.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 December 16, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
Eugene Nardelli
Diane T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of a Paternity Proceeding
Under Article 5 of the Family Court Act.

Richard M.,
Petitioner-Respondent,

M-5192
Docket No. P3623/09

-against-

Princess R. F.,
Respondent-Appellant.
-----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 September 2, 2010, 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, Daniel R. Katz, Esq., 339 West 88th Street, Apt. #3, New York, New York 10024, Telephone No. 212-579-5719, 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

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

order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, 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

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 December 16, 2010.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
David Friedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of Alireza Dilmaghani,
an attorney and counselor-at-law:

Departmental Disciplinary Committee M-5142
For the First Judicial Department,
Petitioner,

Alireza Dilmaghani,
(OCA Atty Reg. No. 2816437),
Respondent.

-----X

Respondent Alireza Dilmaghani having moved for reargument of the order of this Court entered on September 28, 2010 (M-5210/M-5718), 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 December 16, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David B. Saxe
David Friedman
James M. Catterson, Justices.

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

-against-

M-1181
Ind. No. 5294/03

Raymond Ramirez,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 6, 2007 (Appeal No. 2299/2300), unanimously affirming a judgment of the Supreme Court, Bronx County (Seth Marvin, J.), rendered on June 22, 2005 and the order of the same Court and Justice entered on or about August 2, 2006,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 16, 2010.

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

-----X
Victor Munoz and Elvira Munoz,
Plaintiffs,

-against-

Action No. 1
Index No. 110826/07

Hilton Hotels Corporation, et al.,
Defendants.

M-5688

- - - - -
FC 42 Hotel LLC,
Third-Party Plaintiff-Respondent,

Third-Party
Index No. 590086/08

-against-

Sunstone Hotel Properties, Inc., doing
business as Hilton Times Square,
Third-Party Defendant-Appellant.

- - - - -
Sunstone Hotel Properties, Inc., doing
business as Hilton Times Square,
Fourth-Party Plaintiff-Appellant,

Fourth-Party
Index No. 590617/09

-against-

First New York Partners and FC 42nd Street
Associates, L.P.,
Fourth-Party Defendants-Respondents.

-----X

-----X
 Sunstone 42nd Street, LLC and Sunstone 42nd
 Street Lessee, Inc.,
 Fifth-Party Plaintiffs-Respondents,

-against-

Fifth-Party
 Index No. 590690/09

Sunstone Hotel Properties, Inc., doing
 business as Hilton Times Square,
 Fifth-Party Defendant-Appellant,

-and-

First New York Partners Management, LLC
 and FC 42nd Street Associates, L.P.,
 Fifth-Party Defendants.

-----X
 (And other actions)

Appellant, Sunstone Hotel Properties, Inc., doing
 business as Hilton Times Square, having moved for an order
 staying the trial in the above-entitled action pending hearing
 and determination of the appeal taken from the order of the
 Supreme Court, New York County, entered on or about July 27,
 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.

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 December 16, 2010.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Eugene Nardelli
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----x
Sarit Shmueli,
Plaintiff-Appellant,

-against-

M-5443
M-5599
Index No. 104824/03

NRT New York, Inc., doing business as
the Corcoran Group,
Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 2, 2009, said appeal having been perfected and argued,

And a decision and order of this Court having been entered on November 30, 2010 (Appeal No. 3723N) affirming the aforesaid order,

And defendant-respondent having moved (M-5443) for an order striking portions of the reply brief filed by plaintiff-appellant,

And plaintiff-appellant having moved (M-5599) for a stay of proceedings pending hearing and determination of the aforesaid argued 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 motions (M-5443/M-5599) 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 December 16, 2010.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Matthew Silberzweig,
Petitioner-Respondent,

-against-

M-5598
Index No. 105107/08

John J. Doherty, as Commissioner of
the Department of Sanitation of the
City of New York, et al.,
Respondents-Appellants.

-----X

Petitioner-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 28, 2010 (Appeal No. 3263),

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 December 16, 2010.

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

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

-against-

M-5528
Case No. 21328C/09

Jose Martinez,
Defendant-Appellant.

-----X

The People having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about April 28, 2009, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is 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 December 16, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
In the Matter of a Custody/Visitation
Proceeding

Clarence G. Sr.,
Petitioner-Respondent,

-against-

M-4927

Docket No. V-25073/09

Bernetta H.,
Respondent-Appellant,

Administration for Children's Services,
Respondent-Respondent.

-----X

Law guardian having moved for dismissal of the appeal taken from order of the Family Court, Bronx County, entered upon consent of the parties, on or about August 18, 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 and the appeal is dismissed without prejudice to respondent seeking relief in the Bronx Family Court.

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 December 16, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Judith Klein,

Petitioner-Appellant,

-against-

M-5408

Index No. 400623/09

New York City Administration for
Children's Services,
Respondent-Respondent.

-----X

Appeals having been taken to this Court by petitioner from orders of the Supreme Court, New York County, entered on or about September 25, 2009 (mot. seq. no. 002) and October 2, 2009 (mot. seq. no. 001), respectively,

And an order of this Court having been entered on August 31, 2010 (M-3696), granting consolidation of the aforesaid appeals and enlarging the time to perfect same to the December 2010 Term,

And Municipal respondent having moved for an order dismissing the appeal taken from the order entered on or about October 2, 2009, as moot,

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

Ordered that the motion is denied without prejudice to respondent raising the argument on 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 December 16, 2010.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

Tonya B.,
Petitioner-Respondent,

M-5168
Docket No. O-16154/09

-against-

Matthew B.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about December 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, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, New York 10013, Telephone No. 212-693-2330, 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

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

(4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, 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
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 December 16, 2010.

PRESENT - Hon. Peter Tom, Justice Presiding,
James M. McGuire
Rolando T. Acosta
Diane T. Renwick
Helen E. Freedman, Justices.

-----X
In the Matter of

Delilah E. H.,
Elijah W. H., and
Isaiah L. A.,

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,

M-4848
Docket Nos.
NA-20639-41/08

Wilson H.,
Respondent-Appellant.

- - - - -
Lourdes Reyes, Esq.,
Attorney 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 September 2, 2010, 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 N. 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, in compliance with Rule 600.11 of the Rules of this Court, 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 December 16, 2010.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Leland G. DeGrasse
Nelson S. Román, Justices.

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

M-5416
Docket Nos. V72/06
V72/06/08A
V72/06/08B
V156-7/04
V195-7/06
V199/06
V520/06
V520/06/07A
V521/06
V521/06/07A

- - - - -
Reeva A.-C.,
Petitioner-Respondent-Appellant,

-against-

Angelique C.,
Respondent-Respondent,

Richard C.,
Respondent-Appellant-Respondent.

- - - - -
Deborah Gould, Esq., Children's Law
Center,
Attorney for the Children-
Respondent.

-----X
Separate appeals having been taken to this Court from the order of the Supreme Court, Bronx County, Integrated Domestic Violence Part, entered on or about May 1, 2009,

And an order of this Court having been entered on September 23, 2010 (M-3496), inter alia, directing the Clerk of the Court to calendar the appeals for hearing together in the January 2011 Term,

And The Children's Law Center (Naomi Buchman, of counsel), attorney for the children, having moved for an order compelling respondent-respondent mother to produce the children for an interview with her, and for an enlargement of time to file a brief until 30 days after the interview,

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 adjourning the appeal to the March 2011 Term, and respondent-responder mother is directed to produce the subject children for an interview within 14 days after the date of entry hereof, without prejudice to seeking further relief in Family Court.

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 December 16, 2010.

Present - Hon. Peter Tom, Justice Presiding,
James M. McGuire
Rolando T. Acosta
Diane T. Renwick
Helen E. Freedman, Justices.

-----x
In the Matter of the Application of
Ralph Brannon,

Petitioner-Appellant,

-against-

M-5084
Index No. 112619/08

Maura McHugh Joseph Mills, et al.,

Respondents-Respondents.
-----x

Petitioner 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 25, 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 May 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 16, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Robert Ledonne, et al.,

All derivatively on behalf of
790 Riverside Drive Owners Corp.,
Plaintiffs-Respondents,

-against-

M-5864
Index No. 601761/09

Orsid Realty Corp.,
Defendant,

790 Riverside Drive Owners Corp.,
as Nominal Defendant.

790 RSD Acquisition LLC and David M.
Swersky,
Non-Party Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 8, 2010,

And non-party appellants having moved to stay enforcement of directive that certain video recordings and equipment be produced 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 staying enforcement of the subject subpoenas and to stay the termination of discovery on condition that the appeal is perfected on or before January 31, 2011 for the April 2011 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serve a copy of this order upon 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 December 16, 2010.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. McGuire
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-5149
Ind. No. 6800/03

Mike Joseph,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgement of resentence of the Supreme Court, New York County, entered on or about April 27, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

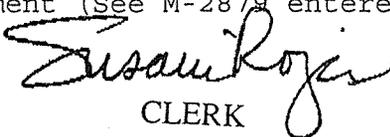
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, 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. Sua Sponte defendant's appeal is consolidated with the People's appeal from the same judgment (See M-2879 entered August 24, 2010).

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 December 16, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. McGuire
Diane T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-5477
Ind. No. 4500/09

Alvin Peterson,
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 12, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 December 16, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. McGuire
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

Tony Morton, also known as Tony Morten,

Defendant-Appellant.
-----X

M-5485

Ind. Nos. 3081/07
2797/07
3181/06

An order of this Court having been entered on October 14, 2010 (M-4059), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about June 23, 2010, under Indictment Nos. 3275/07, 3081/07, 2797/07 and 3181/06, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to delete Indictment No. 3275/07 which does not relate to 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 said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include only Indictment Nos. 3081/07, 2797/07 and 3181/06, and continuing the poor person relief previously granted to cover same.

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 December 16, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

-against-

Gilbert Carandang,
Defendant-Appellant.

M-5415
Ind. Nos. 6526/07
2554/05

-----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 1, 2008, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before February 22, 2011 for the May 2011 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.

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 December 16, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

-against-

M-5409
Ind. No. 5100/88

Sergio LaFontaine,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 6, 2008 (M-647), inter alia, assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from an order of the Supreme Court, New York County, rendered on August 8, 2007, denying resentence, said appeal having been perfected,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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 because of appellant's death on October 11, 2008, and remanding the matter to the Supreme Court, New York County, for proceedings to vacate the judgment of conviction and to dismiss the indictment. (See *People v Matteson*, 75 NY2d 745; *People v Mintz*, 20 NY2d 753, 770.)

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 December 16, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-5159
Ind. No. 6655/06

Kenny Campos,
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 September 24, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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 December 16, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Brian Tuitt,

Petitioner-Appellant,

-against-

The City of New York, et al., M-5186
Index No. 403017/09

Respondents-Respondents.
-----X

Petitioner-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 February 16, 2010, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and file copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of 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 the appeal is enlarged to the May 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 16, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-5183
Ind. No. 1503/10

Edward D. Fletcher,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about June 30, 2010, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal timely filed, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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, Tel. 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 December 16, 2010.

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

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

-against-

M-4851
Ind. No. 2760/06

Ronald Richardson,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 9, 2008 (Appeal No. 4224), unanimously affirming a judgment of the Supreme Court, New York County (Michael Obus, J.), rendered on June 28, 2007,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 16, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Nelson S. Román, Justices.

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

-against-

M-4169
Ind. No. 8131/97

Carl Dushain,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 17, 2004 (Appeal No. 3938), unanimously affirming a judgment of the Supreme Court, Bronx County (Leslie Crocker Snyder, J.), rendered on February 2, 1999,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:


CLERK
01/11/11

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 December 16, 2010.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Nelson S. Román, Justices.

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

-against-

M-5171
Case No. 34843/10

Michael Dinordo,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 19, 2010, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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, Tel. 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 December 16, 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-5282
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 renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is 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 December 16, 2010.

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

-----X
In re John Jay College of Criminal
Justice of the City University of
New York

River Center LLC, et al.,
Claimants-Appellants-Respondents,

M-3424

M-3442

Index No. 102934/01

-against-

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

-----X

Claimant-appellant-respondent, River Center LLC, 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 June 3, 2010 [Appeal Nos. 2962 and 2962A] M-3424),

And claimants-appellants-respondents, Blackacre Capital, L.L.C. and SWH Funding Corp., having moved for the same relief (M-3442),

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 December 16, 2010.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
 James M. Catterson
 Karla Moskowitz
 Diane T. Renwick
 Rosalyn H. Richter, Justices.

-----x
Rosario Sebastiano, et al.,

Plaintiffs-Respondents-Appellants,

-against-

M-5396
Index No. 20936/05

The New York City Transit Authority,

Defendant-Appellant-Respondent.
-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 7, 2010,

And defendant-appellant-respondent having moved for an enlargement of time in which to perfect the direct appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the May 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 16, 2010.

PRESENT: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Pierre Gone,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5476
Index No. 103190/08

The City of New York Police Department
and Thomas M. Prasso, Director,
License Division, NYC Police Department,
Respondents.

-----X

An order of this Court (M-3779) having been entered October 21, 2010, dismissing the Article 78 proceeding transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 21, 2008 (mot. seq. no. 001),

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

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

It is ordered that the motion is 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 December 16, 2010.

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

-----X
Liliana Klinger,
Plaintiff-Appellant,

-against-

M-5435
Index No. 570214/10

Phillips Perera, M.D.,
Defendant-Respondent.

-----X

An order of this Court having been entered on October 12, 2010 (M-3903), denying plaintiff-appellant's motion 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 May 26, 2010,

And plaintiff-appellant having moved for reargument of the aforesaid order of this Court entered October 12, 2010 (M-3903),

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

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 December 16, 2010.

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

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

-against-

M-5259
Ind. No. 3292/09

Michael K. Curry,
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 30, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. (See M-5259A, decided simultaneously herewith.)

ENTER:


CLERK

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

-against-

M-5259A
Ind. No. 3292/09

Michael K. Curry,
Defendant.

ORDER DENYING ROR OR
BAIL PENDING APPEAL

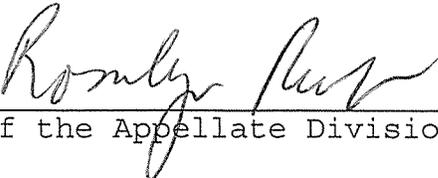
-----X

An appeal having been taken to this Court by the above-named defendant from the judgment of the Supreme Court, New York County, rendered on or about June 30, 2010, and defendant having moved, pursuant to CPL 460.50 and 530.50 for an order of recognizance or to be admitted to bail pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied. (See M-5259, decided simultaneously herewith.)

Dated: December 9, 2010
New York, New York


Justice of the Appellate Division

ENTERED: DEC 16 2010

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M - 5174
Docket. No.
2002BX056549

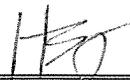
-against-

CERTIFICATE
DENYING LEAVE

KAREEM ADAMS,

Defendant.
-----X

I, Helen E. Freedman, 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 the Criminal Procedure Law §§ 450.15 & 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 September 20, 2010 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: November 29, 2010
New York, New York

ENTERED: DEC 16 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 - 5106
Ind. No. 2197/95

-against-
Roger Forbes

ORDER DENYING
MOTION FOR
REARGUMENT

Defendant.
-----X

The application made by the above-named defendant for leave to reargue this court's order entered on June 8, 2010, which denied his motion for permission to appeal from the order of the Supreme Court, Bronx County, entered on or about January 20, 2010 is hereby denied.



Associate Justice

Dated: November 29, 2010
New York, New York

ENTERED: DEC 16 2010

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

DEC 16 2010

David Friedman, Justice Presiding,
Eugene Nardelli
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----x

In the Matter of Louis J. Posner
(admitted as Louis Joseph Posner),
an attorney and counselor-at-law:

Departmental Disciplinary Committee M-3722
for the First Judicial Department,
Petitioner,

Louis J. Posner,
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent, Louis J. Posner, 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 6,
1990.

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

Respondent pro se.

In the Matter of Louis J. Posner, an Attorney

Per Curiam

Respondent Louis J. Posner was admitted to the practice of law in the State of New York by the First Judicial Department on August 6, 1990, as Louis Joseph Posner. At all times relevant to this proceeding, respondent maintained his principal place of business within the First Judicial Department.

On March 23, 2010, respondent pleaded guilty to promoting prostitution in the third degree (Penal Law § 230.25[1]), a class D felony. At the plea hearing, respondent admitted that he had "knowingly advanced and profited from prostitution" by dancers at a night club he owned and managed. Respondent also admitted to "engaging in sexual conduct with dancers in the private rooms in exchange for allowing them to work at the club."

On that same day, March 23, 2010, respondent pleaded guilty to a total of three class A misdemeanors: two counts of falsely reporting an incident in the third degree (Penal Law § 240.50[3][a]) and one count of offering a false instrument for filing in the second degree (Penal Law § 175.30). During his plea allocution, respondent admitted that, among other things, he falsely reported to the New York City Police Department that police officers attempted to extort money from him by threatening to close his night club. Respondent also admitted that he

offered the Police Department a document for filing that repeated the false extortion claim.

At the conclusion of his plea allocutions, respondent was sentenced on his misdemeanor conviction to a one-year conditional discharge and ordered to perform 60 hours of community service. On April 22, 2010, respondent was sentenced on his felony conviction to five years probation and a \$300 surcharge.

The Departmental Disciplinary Committee now petitions this Court for an order striking respondent's name from the roll of attorneys pursuant to Judiciary Law § 90(4)(b) on the ground that, pursuant to Judiciary Law § 90(4)(a) and (e), he was automatically disbarred upon his conviction of a crime classified as a felony under New York law. Upon pleading guilty to a felony, a person ceases to be an attorney authorized to practice law in this state (see *Matter of Ugweches*, 69 AD3d 125 [2009]; *Matter of Chilewich*, 20 AD3d 109 [2005]). In opposing the petition, respondent, acting pro se, invokes a certificate of relief from civil disabilities that was issued to him pursuant to Article 23 of the Correction Law upon his sentencing. Respondent's reliance on the certificate is unavailing (see *Matter of Glucksman*, 57 AD2d 205 [1977], lv denied 42 NY2d 804 [1977]; *Matter of Sugarman*, 51 AD2d 170 [1976], lv denied 39 NY2d 707 [1976]), as is his argument that automatic disbarment violates constitutional standards of due process.

Accordingly, the Committee's petition to strike respondent's name from the roll of attorneys and counselors-at-law in the State of New York should be granted, effective nunc pro tunc to March 23, 2010.

All concur.

Order filed.

PM ORDERS

ENTERED

DECEMBER 14, 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 December 14, 2010.

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

-----X
Christopher Henry,
Plaintiff-Respondent,

-against-

M-5663
Index No. 302635/09

Marisa Soto-Henry,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 8, 2010,

And defendant-appellant having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518, staying her eviction from subject marital premises,

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 the issuance of any warrant or order of eviction in the related proceeding in Civil Court of the City of New York (L&T Index No. 10N091543) without prejudice to proceedings for use and occupancy in said Civil Court, and on condition defendant perfects the appeal on or before January 31, 2011 for the April 2011 Term. Upon failure to so perfect, plaintiff-respondent may move on notice to vacate the stay.

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 December 14, 2010.

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

-----x

Ramon Brayan, an Infant by Mother and Natural Guardian Orquidea del Carmen Brito and Orquidea del Carmen Brito, Individually,
Plaintiffs-Respondents,

-against-

M-5819
Index No. 117234/05

520 West 158 Street Housing Development Fund Corporation,
Defendant-Appellant.

-----x

Defendant-appellant having moved for a stay of inquest pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about October 19, 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