

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 21, 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-5468  
Ind. No. 5520/09

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

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

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

ENTER:

  
DEPUTY 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 21, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5481  
Ind. No. 1778/09

Moises Betancourt,  
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 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 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:



DEPUTY 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 21, 2010.

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

-----X  
In the Matter of the Application of  
Arlene Botkin,  
Petitioner,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-5189  
Index No. 402175/09

-against-

New York City Housing Preservation  
and Development,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 20, 2010,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for a stay of eviction pending hearing and determination of the aforesaid 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 granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The motion is otherwise denied.

ENTER:

  
DEPUTY 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 21, 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-5570  
Ind. No. 1154N/08

Akwasiba Radellant,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 19, 2010 (M-4288) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 3, 2010,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:

  
DEPUTY 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 21, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of the Application of  
Robert L. Myers, doing business as  
B&G Roofing,  
Petitioner,

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

M-5648  
Index No. 111482/09

-against-

Jonathan Mintz, as Commissioner of  
the New York City Department of  
Consumer Affairs, and the City of  
New York,  
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about November 16, 2009,

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

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

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

ENTER:

  
DEPUTY CLERK

(ent)

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 21, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X  
Peta-Gaye Blackstock,  
Plaintiff-Appellant,

-against-

M-5419  
Index No. 17180/02

Board of Education of the City of  
New York,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 7, 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:



DEPUTY CLERK

(11/21/10)

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 21, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X  
GPH Partners, LLC.,  
Plaintiff-Appellant,

-against-

M-5441  
Index No. 111186/07

American Home Assurance Company,  
et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 26, 2010 (mot. seq. no. 002),

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

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

ENTER:



DEPUTY 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 21, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X  
101 Maiden Lane Realty Co., LLC,  
Petitioner-Landlord  
Respondent-Cross-Appellant,

-against-

M-5653  
Index No. 570620/06

Tran Han Ho and Tran Tuyet Van,  
225 Centre Street 1/F and 1/3 of basement,  
Respondents-Tenants  
Appellants-Cross-Respondents.

-----X  
101 Maiden Lane Realty Co., LLC,  
Petitioner-Respondent-Cross-  
Appellant,

against-

Sun Mei Inc., 223 Centre Street, 1st fl.,  
Respondent-Appellant  
Cross-Respondent.

-----X

Respondents-tenants-appellant-cross respondents Tran Han Ho and Tran Tuyet Van having moved for an enlargement of time in which to perfect their appeal 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 January 18, 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 May 2011 Term.

ENTER:



DEPUTY 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 21, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X  
The Bank of New York Mellon,  
Plaintiff-Appellant,

-against-

M-5613  
Index No. 111251/08

Cobblestone Estates, Inc., 380  
Nassau LLC, Stoneridge Organization,  
Inc., The Spencer Group, LLC,  
Housescapes Ltd., Sheridan Gardens,  
Inc., Gary Marcus and Ranjan Batheja,  
Defendants-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 19, 2009 (mot. seq. no. 002),

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

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

ENTER:

  
DEPUTY 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 21, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X  
Wilfredo Rosado, Individually and  
derivatively as shareholder on  
behalf of Castillo Rosado, Inc.,  
Edmundo Castillo LLC and Edmundo  
Castillo International, S.r.L.,  
Plaintiffs-Appellants,

-against-

M-5652  
Index No. 603214/04

Edmundo Castillo, Inc., Beverly  
Whitaker doing business as The  
Money Tree B&D Financial Strategies,  
Inc., Edmundo Castillo and Denise  
Cassano,  
Defendants-Respondent.

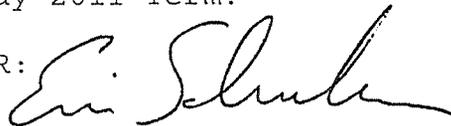
-----X

Plaintiffs-appellants 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 January 21, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before February 22, 2011 for the May 2011 Term.

ENTER:



DEPUTY 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 21, 2010.

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

-----X  
Wendy Hakim Jaffe,  
Plaintiff-Appellant,

-against-

M-5606  
Index No. 309111/08

Robert Jaffe,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about October 27, 2010 (mot. seq. no. 002) pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition the appeal is perfected for the May 2011 Term.

ENTER:



DEPUTY 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 21, 2010.

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

-----x  
Citibank, N.A.,

Plaintiff-Appellant,

-against-

M-5753  
Index No. 105168/09

Harvey Silverman, et al.,

Defendants-Respondents.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 19, 2010, and said appeal having been perfected,

And defendants-respondents having moved for leave to strike portions of appellant's brief and reply 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 matter is referred to the appellate bench, without prejudice to defense counsel raising the issue upon oral argument of the appeal. The Clerk is directed to maintain the appeal on the calendar for the January 2011 Term.

ENTER:

  
DEPUTY 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 21, 2010.

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

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

Respondent,

-against-

M-5280  
Ind. No. 4621/01

John Dingle,

Defendant-Appellant.

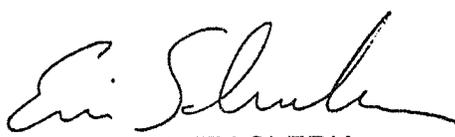
-----X

Counsel for defendant-appellant having moved for dismissal of the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 27, 2006, 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 granted to the extent of deeming the appeal withdrawn.

ENTER:

  
DEPUTY 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 21, 2010.

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

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

Respondent,

-against-

M-5484  
Ind. No. 2642/04

Jason Pimentel,

Defendant-Appellant.  
-----X

Assigned counsel having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 19, 2007, 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:

  
DEPUTY 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 21, 2010.

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

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

-against-

M-5172  
Ind. No. 3149N/08

Junior Lantigua,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about October 27, 2009, and said appeal having been perfected,

And respondent the People having moved for an order dismissing the aforesaid appeal on the grounds that defendant has been deported,

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

Ordered that the motion is denied as premature, with leave to renew upon defendant's deportation.

ENTER:



DEPUTY 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 21, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Eugene Nardelli  
Diane T. Renwick  
Helen E. Freedman, Justices.

-----X  
Third Lenox Terrace Associates,  
Petitioner-Landlord-Respondent,

-against-

M-5799  
Index No. 570287/08

Cynthia Edwards,  
Respondent-Tenant-Respondent,

-and-

Linda Edwards,  
Respondent-Appellant.

-----X

Petitioner-landlord-respondent having moved for an order dismissing respondent-appellant's appeal taken from the order of the Appellate Term, First Department, entered in the office of the Clerk of the Supreme Court, New York County, on or about March 26, 2009,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected on or before February 22, 2011 for the May 2011 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided petitioner-landlord-respondent serves a copy of this order upon the respondent-appellant within 10 days after the date of entry hereof.

ENTER:

  
DEPUTY 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 21, 2010.

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

-----X  
The Vanderbilt Group, LLC,  
Plaintiff-Appellant,

-against-

M-4945  
Index No. 115130/01

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

-----X

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

And defendant-respondent having moved pursuant to CPLR 5513 for an order dismissing the aforesaid appeal,

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

Ordered that the motion is denied, with leave to defendant-respondent to raise the argument in opposition to the appeal.

ENTER:



DEPUTY 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 21, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Diane T. Renwick  
Leland G. DeGrasse, Justices.

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

Alexis T.,  
Petitioner-Respondent,

M-4594

Docket No. P15062/08

-against-

Vanessa C.-L.,  
Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about June 22, 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, Lisa H. Blitman, Esq., 225 Broadway, Suite 1203, New York, NY 10007, Telephone No. (212) 724-2792, as counsel for purposes of prosecuting the appeal;  
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the

City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) 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:



DEPUTY CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 21, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Diane T. Renwick  
Leland G. DeGrasse, Justices.

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

-----  
Opportune N., M-4667  
Petitioner-Respondent, Docket No. O-14995/08

-against-

Clarence N.,  
Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York 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, Lisa H. Blitman, Esq., 225 Broadway, Suite 1203, New York, NY 10007, Telephone No. (212) 724-2792, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) 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:

  
DEPUTY CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 21, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of

Anais B.,

A Person Alleged to Be a Juvenile Delinquent, M-4677  
Docket No. D16623/09

Respondent-Appellant.  
-----X

Respondent-appellant having renewed his motion for leave to prosecute the appeal from an order of the Family Court, New York County, entered on or about January 21, 2010, 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, Kenneth M. Tuccillo, Esq., 385 Warburton Avenue, Hasting on Hudson, New York 10706, Telephone No. (914) 439-4843, 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;<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal 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:

  
DEPUTY CLERK

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<sup>1</sup>Service 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 December 21, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Nasiim W.,

A Child Under 18 Years of Age Alleged to be Neglected Pursuant to Article 10 of the Family Court Act.

-----  
Administration for Childrens Services,  
Petitioners-Respondents,

M-5228  
Docket No. NN32489/10

Keala M.,  
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about September 16, 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 therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) 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:

  
DEPUTY CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 21, 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

Cassandra Tammy S.  
and Dennis Warren P.,

Dependent Children Under 18 Years  
of Age Pursuant to §384-b of the  
Social Services Law of the State  
of New York.

M-5257  
Docket Nos. B2746-47/07

- - - - -  
Episcopal Social Services, et al.,  
Petitioners-Respondents,

Elizabeth P.,  
Respondent-Appellant.

- - - - -  
Steven Banks, Esq., The Legal Aid  
Society, Juvenile Rights Division,  
Attorney for the Children.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, Bronx County, entered on or about August 23, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. (914) 834-3053, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) 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. (See M-5162, decided simultaneously herewith.)

ENTER:

  
DEPUTY CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 21, 2010.

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

-----X  
In the Matter of

Cassandra Tammy S.,

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

M-5162  
Docket No. B2746/07

- - - - -  
Episcopal Social Services, et al.,  
Petitioners-Respondents,

Babbah S.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant father, Babbah S., 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 August 23, 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, Frederick P. Schneider, Esq., 40 Wall Street, 28<sup>th</sup> Fl., New York, NY 10005, Telephone No. (646) 512-5730, as counsel for purposes of prosecuting the

appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) 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. (See M-5257, decided simultaneously herewith.)

ENTER:



DEPUTY CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on December 21, 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-5369  
Ind. Nos. 3812/05  
2078/05

Shahe Cross,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 20, 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 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 **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.

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:

  
DEPUTY 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 21, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Halimah P.,  
Sumiyah P.,  
and Anwar P.,

Children Under 18 Years of Age Alleged to be Neglected Under Article 10 of the Family Court Act.

-----  
Administration for Children's Services,  
Petitioners-Respondents,

M-5206  
Docket Nos. NN00375-77/08

Tashara M. F.,  
Respondent-Appellant,

Duval William P.,  
Respondent.

-----  
Steven Banks, Esq., The Legal Aid Society, Juvenile Rights Division,  
Attorney for the Children.

-----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 February 25, 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 denied, with leave to renew upon an attorney's affirmation addressing the issues of timeliness of the notice of appeal, why an enlargement of time should be granted, and a notarized affidavit in compliance with CPLR 1101(a), setting forth current facts sufficient to establish that appellant has no funds or assets to prosecute the appeal.

ENTER:



DEPUTY 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 21, 2010.

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

-----X  
Rosalind Cole,  
Plaintiff-Appellant,

-against-

M-5305  
Index No. 106530/05

Mark Johnson, D.D.S., et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about February 8, 2010,

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

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

ENTER:

  
DEPUTY 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 21, 2010.

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

-----X  
Merrill Stephenson and Derrick Stephenson  
Plaintiffs-Respondents,

-against-

M-5497  
Index No. 24308/02

D&J Ambulette Services, Inc.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about August 5, 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:

  
DEPUTY 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 21, 2010.

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

-----X  
Vincent Buccino,

Plaintiff-Appellant,

-against-

M-5593  
Index No. 104522/05

The City of New York, et al.,

Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County entered on or about January 13, 2010,

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

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

ENTER:

  
DEPUTY CLERK

10/05

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 21, 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 the Arbitration  
Between

Amy Levenson,  
Plaintiff-Appellant,

M-5526  
Index No. 650525/08

-against-

Barclays Capital Inc.,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 26, 2009,

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

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

ENTER:

  
DEPUTY 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 21, 2010.

PRESENT - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Dianne T. Renwick, Justices.

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

-against-

Michael Butler, also known as  
Michael Mails,  
Defendant-Appellant.

M-4441  
Ind. Nos. 9499/91  
10285/91

-----X

A decision and order of this Court having been entered on January 25, 1994 (Appeal No. 50889), unanimously affirming a judgment of the Supreme Court, New York County (James Leff, J.), rendered on May 19 1992,

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:

  
DEPUTY 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 21, 2010.

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

-----X  
Robert Naldi,

Plaintiff-Respondent,

-against-

M-5575  
Index No. 600707/08

Michael Grunberg,

Defendant,

Grunberg 55 LLC,

Defendant-Appellant.  
-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 5, 2010 (Appeal No. 2116),

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:



DEPUTY 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 21, 2010.

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

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

Respondent,

-against-

M-4877  
Docket No. 66395C/06

Margarita Ayala,

Defendant-Appellant.  
-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about May 23, 2008,

And defendant-appellant having moved for a change of venue to the Appellate Term, First Judicial Department,

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:



DEPUTY 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 21, 2010.

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

-----X  
In the Matter of

William Jamal W., Jr.,

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

M-4590  
Docket No. B17385/09

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

Malorie C.,  
Respondent-Appellant.

- - - - -  
Randall Carmel, Esq.,  
Attorney for the Child.

-----X  
  
Kao Pin Lew, Esq., Family Court attorney for the subject child, having moved on child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about April 22, 2010, for the assignment of new counsel for purposes of responding to 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) permitting the subject child to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorneys for respondent-appellant and 8 copies thereof be filed with this Court, and (2) assigning, pursuant to Section 18b of the County Law and § 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (603) 313-1951, as counsel for purposes of responding to the appeal.

Enter:

  
DEPUTY 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 21, 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-

Isaac Morales,

M-5391  
Ind. Nos. 1152/09  
7653C/09

Defendant-Appellant.  
-----X

An order of this Court having been entered on March 2, 2010 (M-435), substituting Robert S. Dean, Esq., as counsel to prosecute the appeal taken from the judgments of the Supreme Court, Bronx County, rendered on or about August 11, 2009 and September 8, 2009, respectively; 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 denied.

ENTER:

  
DEPUTY 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 21, 2010.

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

-----X  
In the Matter of the Application of  
Patricia Hendricks,  
Petitioner,

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

M-5377  
Index No. 116911/08

-against-

State of New York Office of Children  
and Family Services, et al.,  
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 16, 2009,

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the proceeding to on or before January 31, 2011 for the April 2011 Term, with no further enlargements to be granted.

ENTER:

  
DEPUTY 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 21, 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-5427  
Ind. No. 1865/06

Ronald Penil,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 4, 2008,

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 to perfect the appeal to the May 2011 Term.

ENTER:



DEPUTY 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 21, 2010.

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

-----X  
Resat Keles,  
Plaintiff-Appellant,

-against-

M-5359

Index No. 107052/08

The Trustees of Columbia University  
in the City of New York, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for renewal/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 1, 2010 (Appeal No. 2916),

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:



DEPUTY CLERK

11/11/10

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 21, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X  
John R. Denza, et al.,  
Plaintiffs-Respondents,

-against-

M-4695  
M-4696  
Index No. 117673/05

Independence Plaza Associates, L.P.,  
et al.,  
Defendants-Appellants.

-----X  
Independence Plaza North Tenants'  
Association, et al.,  
Plaintiffs-Respondents,

-against-

Index No. 113831/04

Independence Plaza Associates, L.P.,  
et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of proceedings pending hearing and determination of the appeals taken from the orders of the Supreme Court, New York County, both entered on or about September 2, 2010 (mot. seq. nos. 004 and 007) in the above-captioned actions, and for appellate preference and related relief (M-4695/M-4696),

Now, upon reading and filing the correspondence from Stephen B. Meister, of counsel to defendants-appellants, dated September 30, 2010, with respect to the motions, and due deliberation having been had thereon,

It is ordered that the motions are deemed withdrawn (See M-5253, decided simultaneously herewith).

ENTER:

  
DEPUTY 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 21, 2010.

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

-----X  
John R. Denza, et al.,  
Plaintiffs-Respondents,

-against-

M-5253  
Index No. 117673/05

Independence Plaza Associates, L.P.,  
et al.,  
Defendants-Appellants.

-----X  
Independence Plaza North Tenants'  
Association, et al.,  
Plaintiffs-Respondents,

-against-

Index No. 113831/04

Independence Plaza Associates, L.P.,  
et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, both entered on or about September 2, 2010 (mot. seq. nos. 004 and 007),

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 appellant to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11 (See M-4695/M-4696, decided simultaneously herewith).

ENTER:

  
DEPUTY 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 21, 2010.

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

-----X  
In the Matter of the Estate of

Richard I. Kaminester, M-4395  
Court File No. 1959-2006  
Deceased.

-----X

Petitioner-respondent Kimberly Kaminester having moved for dismissal of the appeal taken from the judgment of the Surrogate's Court, New York County, entered on or about October 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 and the appeal is dismissed.

ENTER:

  
DEPUTY 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 21, 2010.

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

-----X  
In the Matter of

Aliyah Careema D., also known as  
Aliyah D.,

M-5169  
Docket No. B3775/07

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

- - - - -  
The Children's Aid Society,  
Petitioner-Respondent,

Sophia Seku D.,  
Respondent-Appellant.

- - - - -  
Steven Banks, Esq., The Legal Aid  
Society, Juvenile Rights Division,  
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 8, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 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 City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) 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:



DEPUTY CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 21, 2010.

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

-----X  
The Bank of New York,  
Plaintiff-Respondent,

-against-

M-5742  
Index No. 601156/08

Cobblestone Estates, Inc., et al.,  
Defendants,

Sanjay Chaubey,  
Non-Party Appellant.

-----X

Non-party appellant having moved for an enlargement of time in which to perfect the consolidated appeals from orders of the Supreme Court, New York County, entered on or about October 22, 2009 and on or about June 8, 2010, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to the May 2011 Term.

ENTER:

  
DEPUTY 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 21, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

-against-

M-5140  
Ind. No. 6596/04

Lorenzo Culbero,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 16, 2008 (Appeal No. 4828), unanimously modifying a judgment of the Supreme Court, New York County (Arlene R. Silverman, J., at suppression hearing; Maxwell Wiley, J., at jury trial and sentence), rendered on January 11, 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:

  
DEPUTY 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 21, 2010.

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

-----X  
Barbara J. Cirone, et al.,  
Plaintiffs-Appellants,

-against-

M-4955  
Index No. 600272/08

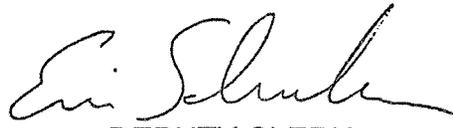
Tower Insurance Company of New York,  
Defendant-Respondent.  
-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 21, 2010 (Appeal No. 2300),

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:



DEPUTY 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 21, 2010.

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

-----X  
Galina Vlasova,

Plaintiff,

M-5536

-against-

Index No. 114000/05

The City of New York,

Defendant.  
-----X

An order of this Court having been entered August 17, 2010 (M-3029), denying plaintiff leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about August 10, 2009, and dismissing the aforesaid appeal,

And plaintiff having moved for vacatur of the order of this Court entered August 17, 2010 (M-3029), for reinstatement of his 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 denied.

ENTER:

  
DEPUTY 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 21, 2010.

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

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

- - - - -  
Commissioner of Social Services,  
on behalf of Hasime C.,  
Petitioners-Respondents,

M-4298  
Docket No. F5735-09/09B

Kastriot D.,  
Respondent-Appellant.

-----X

Respondent-appellant father 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 June 25, 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, Kenneth M. Tuccillo, Esq., 385 Warburton Avenue, Hastings on Hudson, New York 10706, Telephone No. (914) 439-4843, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have

transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) 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:



DEPUTY CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 21, 2010.

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

-----X  
RNK Capital LLC, et al.,  
Plaintiffs-Appellants-Respondents,

-against-

M-5146

M-5597

Natsource LLC, et al.,  
Defendants-Respondents-Appellants,

Index No. 603483/06

Ben Richardson,  
Defendant.

-----X

Plaintiffs-appellants-respondents 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 September 7, 2010 (Appeal Nos. 3132, 3133, 3134) [M-5146],

And defendants-respondents-appellants having cross-moved to dismiss plaintiffs' motion for reargument and for other relief [M-5597],

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

It is ordered that plaintiffs' motion is denied [M-5146]. Defendants cross motion is denied, as academic [M-5597].

ENTER:

  
DEPUTY 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 21, 2010.

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

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

-against-

M-4919  
Ind. No. 3631/09

Rodney Capers,  
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 December 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 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.

ENTER:

  
DEPUTY 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 21, 2010.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Robert Vermylen, as Executor of the  
Estate of Christopher Ursprung and  
Diane Ursprung,  
Plaintiffs-Respondents,

M-5356  
Index No. 601254/07

-against-

Genworth Life Insurance Company of  
New York, et al.,  
Defendants,

Donna Ursprung,  
Defendant-Appellant.

-----X

An appeal having been taken by defendant-appellant, Donna Ursprung, from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 17, 2010,

And an order of this Court having been entered on March 30, 2010 (M-936), granting a stay of release and/or payment of certain proceeds by defendant Genworth Life Insurance Company of New York,

And plaintiffs-respondents having moved for modification of the aforesaid order of this Court,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated October 19, 2010, and due deliberation having been had thereon, it is

Ordered that the appeal is deemed withdrawn, in accordance with the aforesaid stipulation, and the order of this Court entered on March 30, 2010 (M-936) is recalled and vacated, and it is further

Ordered that the escrow agent, Irwin, Lewin, Cohn & Lewin, P.C., counsel for plaintiffs-respondents, is directed to distribute the funds according to the terms of the parties' Stipulation of Settlement, dated October 14, 2010.

ENTER:   
DEPUTY 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 21, 2010.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Diane T. Renwick  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----x  
In the Matter of

Jennifer R., and  
Angela C.,

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

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

M-5461  
Docket Nos. NN6747/08  
NN6748/08

Deborah B.,  
Respondent-Appellant.

-----  
Betsy Kramer, Esq., Lawyers for  
Children,  
Attorney for the Children.

-----x  
Assigned counsel for respondent-appellant having moved for dismissal of the appeal from the orders of the Family Court, New York County, entered on or about January 15, 2010,

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

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

ENTER:

  
DEPUTY 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 21, 2010.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Diane T. Renwick  
Leland G. DeGrasse  
Nelson S. Román, Justices.

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

-against-

M-5571  
Ind. No. 217/10

Michael Clinton,  
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, New York County, rendered on or about August 10, 2010, 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 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:

  
DEPUTY 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 21, 2010.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Diane T. Renwick  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X  
Gilbert Lau,

Plaintiff-Appellant,

-against-

M-5669  
Index No. 102280/09

7<sup>th</sup> Precinct of the Police Department of  
the City of New York, et al.,

Defendants-Respondents.  
-----X

Plaintiff-appellant having perfected the appeal from the order of the Supreme Court, New York County, entered on or about April 5, 2010,

And plaintiff-appellant having moved for an order striking the respondent's brief and for a waiver of the filing fee on this motion,

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

It is ordered that the motion is granted to the extent of permitting appellant to dispense with payment of the required fee for the filing of this motion, and the motion is otherwise denied.

ENTER:

  
DEPUTY 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 21, 2010.

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

-----x  
Gorda Jonas,  
Plaintiff-Appellant,

-against-

M-4173  
Index No. 101552/07

340 East 93<sup>rd</sup> Street Corp., et al.,  
Defendants-Respondents.

-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about February 5, 2010 (mot. seq. no. 014) and June 24, 2010 (mot. seq. no. 012), respectively,

And plaintiff-appellant having moved for consolidation 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 granted to the extent of permitting appellant to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the May 2011 Term. The parties' attention is directed to 22 NYCRR §600.11.

ENTER:

  
DEPUTY CLERK

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

BEFORE: Hon. Eugene L. Nardelli  
Justice of the Appellate Division

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

M-4854  
Ind. No. 12744/92

-against-

CERTIFICATE  
DENYING LEAVE

Nick Mends,

Defendant.

-----X

I, Eugene L. Nardelli, 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, section 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 August 4, 2010, is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: December 21, 2010  
New York, New York

Entered: December 21, 2010

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

BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

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

M-4935  
Ind. No. 2430/01

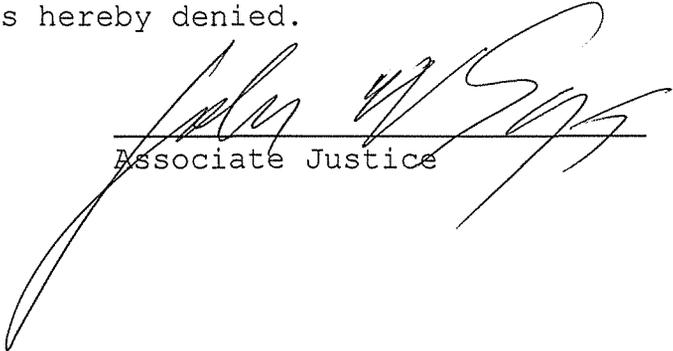
-against-

CERTIFICATE  
DENYING LEAVE

Bonafacio Robles-Meija,  
Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about September 15, 2010 (Robert G. Seewald, J.) is hereby denied.

  
Associate Justice

Dated: November 30, 2010  
New York, New York

ENTERED: December 21, 2010

PM ORDERS

ENTERED

DECEMBER 21, 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 21, 2010.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
James M. McGuire  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

-against-

**M-5940**

Indictment No. 3982/08

Louis Posner and Betty Posner,  
Defendants-Respondents,

New York City Police Department,  
Non-Party Defendant-Respondent,

-----  
Michael Kessler,  
Third-Party Respondent-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 13, 2010,

And third-party respondent-appellant Michael Kessler having moved to vacate a certain statutory stay of payment directed in the aforesaid order, and for a preference in the hearing of the aforesaid appeal,

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

Ordered that the motion is granted to the extent of directing appellant to perfect his appeal on or before January 31, 2011 for the April 2011 Term, and the motion is otherwise denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 21, 2010.

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

-----X

T-Mobile Northeast,

Plaintiff,

-against-

**M-5944**

Index No. 114015/10

370 Manhattan Ave. Co., LLC,

Defendant.

-----X

Plaintiff having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about November 16, 2010,

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

Ordered that the motion is granted to the extent that the defendant is enjoined from commencing any proceeding to enforce or otherwise acting upon the purported Notice of Termination, dated October 6, 2010, pending hearing and determination of the application for a preliminary injunction in Supreme Court, New York County. The matter is remanded to Supreme Court, New York County, for the scheduling of a return date on the preliminary injunction application.

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 21, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
James M. McGuire  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Eric Benn,  
Plaintiff-Appellant,

-against-

M-5898  
Index No. 102344/07

Stefan Benn, et al.,  
Defendants-Respondents,

-and-

Board of Managers of Le Toulhouse  
Condominium,  
Defendants.

-----X

Plaintiff-appellant having moved for relief in the nature of a preliminary appellate injunction barring defendants-respondents from interfering with his use and occupancy of a certain apartment, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 30, 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 granted to the extent of enjoining defendants-respondents from interfering with plaintiff-appellant's use and occupancy of the subject apartment, on condition plaintiff-appellant posts an undertaking in the amount of \$180,000, within 30 days of 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 21, 2010.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
James M. McGuire  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Elite 29 Realty LLC,  
Plaintiff-Respondent,

-against-

George R. Pitt, et al.,  
Defendants-Appellants.

**M-5851**  
Index No. 104271/04

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 1, 2010,

And defendants-appellants having moved to stay enforcement of the aforesaid order including the mandatory injunction contained therein 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 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 plaintiff-respondent serves a copy of this order upon defendants-appellants within 10 days after the date of entry hereof.

ENTER:



Clerk.