

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 2, 2010.

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

-----X
Wendy Sutter,

Plaintiff-Respondent,

-against-

M-5623
Index No. 350084/03

Nicolas Danielson,

Defendant-Appellant.
-----X

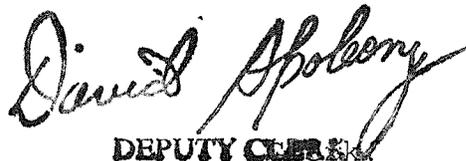
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 8, 2009 (mot. seq. no. 002),

And defendant having moved for a stay of enforcement of the aforesaid order, pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion and the correspondence from Andrew J. Spinnell, Esq., attorney for defendant-appellant, dated January 4, 2010, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 February 2, 2010.

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

-----X
Ljubica Depovic,
Plaintiff-Respondent,

-against-

M-5701
Index No. 350483/07

Mark Clark,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 10, 2009,

And defendant-appellant having moved for, inter alia, a stay of enforcement of the aforesaid order, pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion and the correspondence from Cheryl S. Solomon, Esq., attorney for defendant-appellant, dated January 13, 2010, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 February 2, 2010.

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

-----X
Luis Barros,
Plaintiff-Respondent,

-against-

Cappelli Enterprises, Inc., George
A. Fuller Construction Management,
Inc. and HRH Construction, LLC,
Defendants,

New Roc Parcel 1A, LLC, and
George A. Fuller Company, Inc.,
Defendants-Appellants.

M-61
M-295X

-----X
Cappelli Enterprises, Inc., New Roc
Parcel 1A, LLC, George A. Fuller
Company, Inc., George A. Fuller
Construction Management, Inc. and
HRH Construction, LLC,
Third-Party Plaintiffs,

Index No. 14727/06

-against-

Roger & Sons Concrete, Inc.,
Third-Party Defendant-Appellant.

-----X

An appeal and a cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 29, 2009,

And third-party defendant cross-appellant Roger & Sons Concrete, Inc. having moved for a stay of trial, pending hearing and determination of the aforesaid appeal (M-61),

Now, upon reading and filing the papers with respect to the motion (M-61),

And after pre-argument conference and upon reading and filing the notice of withdrawal filed January 19, 2010 (M-295X),

And due deliberation having been had thereon,

It is ordered that the motion for a stay of trial (M-61) is withdrawn. The cross appeal is deemed withdrawn (M-295X).

ENTER:

David Apolony
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 February 2, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David B. Saxe
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

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

Nicole F.,
Petitioner-Respondent,

M-5601
Docket No. F-04006-98/00B

-against-

Omar M.,
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 16, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

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

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

Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:

David Apolony
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 February 2, 2010.

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

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

-against-

M-71
Ind. No. 4198/04
Case Nos. 56616C/04
59094C/04

Jesus Vega,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about December 16, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

David Spolony
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 February 2, 2010.

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

-----X
The Law Firm of Ravi Batra, P.C.,

Plaintiff-Appellant,

-against-

M-5529
Index No. 100548/06

Amora Rachel Leah Rabinowich,

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 November 18, 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 in which to perfect the appeal to the May 2010 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 February 2, 2010.

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

-----X
Cory Rosenbaum, Esq.,
Plaintiff-Respondent,

-against-

M-5621
Index No. 601766/06

Beth J. Schlossman, Esq., David
Feinsilver, Esq. and the Feinsilver
Law Group, P.C.,
Defendants-Appellants.

-----X

An order of this Court having been entered on November 12, 2009 (M-4404), consolidating the appeals taken from orders of the Supreme Court, New York County, both entered on or about March 30, 2009 (mot. seq. nos. 005 and 006), and granting a stay of trial therein on condition said appeals be perfected for the February 2010 Term,

And defendants having now moved for an order deeming their appeals to have been timely served and to accept same for filing nunc pro tunc as of the date of submission, December 7, 2009, 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 consolidated appeals perfected for the April 2010 Term, and continuing the stay of trial granted by the order of this Court entered on November 12, 2009 (M-4404) pending hearing and determination of 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 February 2, 2010.

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

-----x
Foot Locker, Inc.,

Plaintiff-Appellant,

-against-

M-212
Index No. 102084/07

Omni Funding Corp. of America,

Defendant-Respondent.
-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about June 24, 2009 (mot. seq. no. 001) and November 4, 2009 (mot. seq. no. 002), respectively,

And plaintiff-appellant having moved for a stay of trial pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motion is denied.

ENTER:


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 February 2, 2010.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. McGuire
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x
Terrance A. Revella,

Plaintiff-Appellant,

-against-

M-5387
Index No. 113996/06

Alie Bereteh, et al.,

Defendants-Respondents.
-----x

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about January 15, 2009 (mot. seq. no. 001), for failure to timely prosecute,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:

David Spolony
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 February 2, 2010.

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

-----X
Sona Shah,
Plaintiff-Appellant,

Kai Barrett,
Plaintiff,

M-5250
Index No. 113231/02

-against-

Wilco Systems, Inc.,
Defendant-Respondent.

-----X
(And another action)

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 14, 2009 (mot. seq. no. 024),

And plaintiff-appellant having moved, pursuant to CPLR 5519, for a stay of enforcement of the aforesaid order, including further proceedings in Supreme Court, pending hearing and determination of the appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties "so ordered" January 8, 2010, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

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 February 2, 2010.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. McGuire
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

I-Majestic A., and
I-Conscious R.,

Children Under 18 Years of Age
Adjudicated to be Abused and Neglected
Pursuant to §§ 1012 and 1046 of the
Family Court Act.

Commissioner of Social Services of the
City of New York,
Petitioner-Respondent,

M-5403
Docket Nos. NN13207/08
NN13208/08

George S., also known as Sun A.,
Respondent-Appellant.

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

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 22, 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, Carol Lipton, Esq., 800 Greenwood Avenue, #3L, Brooklyn, New York 11218, Telephone No. 718-436-5359, 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

February 2, 2010

of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:

David Apolony
DEPUTY 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 February 2, 2010.

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

-----X
Pacnet Network Ltd.,

Plaintiff-Appellant,

-against-

KDDI Corporation,

Defendant-Respondent.
-----X

M-5649
Index No. 602182/08

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 17, 2009 (mot. seq. no. 001),

And defendant-respondent having moved to dismiss 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 renew upon plaintiff's failure to perfect said appeal on or before March 22, 2010 for the June 2010 Term of this Court.

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 February 2, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5811
Ind. No. 3986/06

Jamel Brown,
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 December 15, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **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, 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 February 2, 2010.

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

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

-against-

M-5812
Ind. No. 3569/09

Alexis Mendez, also known as Chiba,
also known as Chucky,
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 October 27, 2009, and for leave to prosecute the appeal as a poor person on 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 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


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 February 2, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----x
Anette Gallucci, et al.,
Plaintiffs-Respondents,

-against-

M-5679
Index No. 13521/06

Regina Fitzgerald, M.D., et al.,
Defendants,

Crueza Simionatto, M.D., et al.,
Defendants-Appellants.
-----x

Defendants-appellants 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 December 23, 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 in which to perfect the appeal to the May 2010 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 February 2, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Rolando T. Acosta
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----x
Joshua Bermudez, etc., et al.,
Plaintiffs-Respondents,

-against-

Mohammed A. Karim, et al.,
Defendants-Respondents,

M-5832
Index No. 112006/06

William E. Salmon,
Defendant-Appellant,

The City of New York, et al., etc.,
Defendants-Respondents.

-----x

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 4, 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 May 2010 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 February 2, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
In the Matter of

Cain K.L. and Rui L.,

M-5711

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

Docket Nos. B19336/06
B17064/07

- - - - -
New York Foundling Hospital,
Petitioner-Respondent,

Derzerina L., also known as
Derzerina Semone L.,
Respondent-Appellant.

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

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about October 19, 2009,

And petitioner-respondent having moved for dismissal of the aforesaid appeal,

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

It is ordered that the motion is denied, without prejudice to addressing the issue directly on the appeal.

ENTERED: 
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 February 2, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
John T. Buckley
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

-against-

M-5548
Ind. No. 4005/08

Richard Mullikin,
Defendant-Appellant.

-----X

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

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

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

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

Steven 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:

David Apokony
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 February 2, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

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

-against-

M-5806
Ind. No. 560/05

Celeste Ortiz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, entered on or about December 18, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **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, 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 February 2, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Dennys Hiraldo,
Plaintiff-Respondent,

-against-

M-6
Index No. 16485/05

New York City Housing Authority,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about September 24, 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 in which to perfect the appeal to the May 2010 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 February 2, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----x

In the Matter of the Adoption of
a Child Whose First Name is

M-5808
Docket No. A-06973/08

Chante (D.O.B. 10/23/97)

Ethel B.,
Petitioner-Appellant.

-----x

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about February 2, 2009,

And petitioner having moved, pursuant to CPLR § 316, for leave to serve a notice of appeal by publication,

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 February 2, 2010.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Alisher Karimov,

Plaintiff-Appellant,

-against-

M-5509
Index No. 600095/09

Moe Yaghoubi, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about October 26, 2009 (mot. seq. no. 005), and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

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 February 2, 2010.

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

-----X
The People of the State of New York
ex rel. John Perez,
Petitioner,

-against-

M-5491
Index No. 402327/09

Michael Hourihane, Warden, A.M.K.C.,
et al.,
Respondent.

-----X

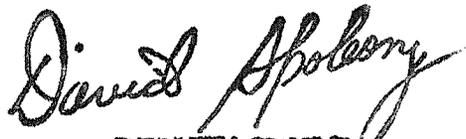
An order of the Supreme Court, New York County, having been entered on or about October 7, 2009, denying and dismissing petitioner's writ of habeas corpus,

And petitioner having moved for, inter alia, a writ of habeas corpus to be issued from 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 application, to the extent it seeks issuance of an original writ from this Court, is denied. The motion is otherwise denied, with leave to renew upon submission of a timely notice of 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 February 2, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
190 East 72nd Corp.,
Petitioner-Landlord-Respondent,

-against-

M-4224
Index No. 570619/08

Barbara Hershman,
Respondent-Tenant-Appellant.

-----X

Respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about January 30, 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 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 February 2, 2010.

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

-----X
Joey Acosta-Rodriguez, an infant over
the age of 14 years by his mother and
natural guardian, Lydia Ramos, and
Lydia Ramos, Individually,
Plaintiffs-Appellants,

M-47

-against-

ACTION NO. 1
Index No. 22072/01

City of New York, The New York City
Department of Education and Tara
McDermott,
Defendants-Respondents.

Marilyn Arce, as mother and natural
guardian of Moses Colon,
Plaintiff-Appellant,

-against-

ACTION NO. 2
Index No. 20295/03

City of New York and The New York
City Department of Education,
Defendants-Respondents.

-----X

Separate appeals having been taken to this Court by the respective plaintiffs from the order of the Supreme Court, Bronx County, entered on or about January 7, 2009,

And plaintiffs in both actions having jointly moved for an enlargement of time in which to perfect the respective appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the respective appeals to on or before February 22, 2010 for the May 2010 Term. Sua sponte, appellants are permitted to prosecute the appeals upon 10 copies of one record and one set of respective appellants' points covering the appeals.

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 February 2, 2010.

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

-----x
Jonathan R. Steinberg,

Plaintiff-Appellant,

-against-

M-5379
Index No. 114728/99

Queens Import Motors, 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 August 25, 2008 (mot. seq. no. 010),

And plaintiff having moved for preference in hearing of the appeal, and for other relief,

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

It is ordered that the motion is denied, as academic, the appeal having already been dismissed by the order of this Court entered on January 12, 2010 (M-5107).

ENTER:


DEPUTY CLERK

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-73
Indictment. No. 4337/04

-against-

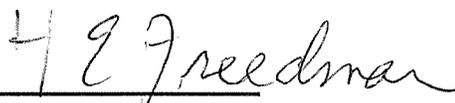
CERTIFICATE
DENYING LEAVE

HAMLET PERDOMO,

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, New York County, entered on or about December 2, 2009 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: January 21, 2010
New York, New York

ENTERED: FEB 02 2010

PM ORDERS

ENTERED

JANUARY 28, 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 January 28, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Myron Zuckerman,

Plaintiff-Appellant,

-against-

Sydell Goldstein, et al.,

Defendants-Respondents.
-----X

M-5846
Index No. 113633/07

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 2, 2009 (mot. seq. no. 010), and said appeal having been perfected,

And plaintiff-appellant having moved 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 the Clerk to maintain the appeal on the March 2010 Term calendar.

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 January 28, 2010.

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

-----X
Elvio Taveras, et al.,
Plaintiffs-Appellants,

-against-

M-5790
Index No. 104260/06

General Trading Co., Inc.,
Respondent-Respondent.
-----X

Appeals having been taken from the confession of judgment of the Supreme Court, New York County, entered on or about November 23, 2009, from the judgment of said Court, entered on or about November 25, 2009, and from the order of said Court, entered on or about September 12, 2006,

And plaintiffs having moved for, inter alia, a stay of enforcement of the money judgment(s) and a preliminary appellate injunction directing that plaintiff 2927 Eighth Avenue Corp., be placed into temporary receivership,

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

Ordered that the motion is granted only to the extent of staying enforcement of the aforesaid judgments and prohibiting both the appellants and the respondent from transferring funds and/or assets except in the regular course of business. To the extent the motion seeks other relief it is denied. Plaintiffs are directed to perfect the appeals, which are, sua sponte, consolidated, on or before February 22, 2010 for the May 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:



DEPUTY CLERK
Clerk.