

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 11, 2010.

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

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

-against-

M-393  
Ind. No. 7200/02

Judy Knox,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 31, 2005,

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

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

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

-----X  
Gunn, Steers & Company, LLC and  
John F. Gunn,  
Plaintiffs-Appellants,

-against-

M-402X  
Index No. 602318/07

William M. Steers,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 6, 2007 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 22, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

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

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

-----X  
David Fullman,  
Plaintiff-Respondent,

-against-

M-403X  
Index No. 106634/07

R & G Brenner Income Tax  
Consultants,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 6, 2009 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 22, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

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

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

-----X  
Emily Tross,  
Plaintiff-Respondent,

-against-

M-404X  
Index No. 300854/07

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

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 18, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 21, 2010, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

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

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

-----X  
Maria Sepulveda, by her parents  
Nicole & Daniel Sepulveda,  
Plaintiffs-Respondents,

-against-

M-4697  
Index No. 21252/05

Ashlesha Dayal, M.D., Susan J. Gross,  
M.D., Irwin Merkatz, M.D. and George  
Mussali, M.D.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 14, 2008,

And defendants-appellants having moved for adjournment of the appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated October 14, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:

  
Clerk.

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

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

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

-against-

M-4553  
Ind. No. 4501/98

Rodney Elliott,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 3, 2001 (Appeal No. 2556), unanimously affirming a judgment of the Supreme Court, New York County (Ira Beal, J.), rendered on March 15, 1999,

And defendant-appellant having moved, in the nature of a writ of error coram nobis dated September 18, 2009, 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 the correspondence from appellant dated December 13, 2009, with respect to the motion, and due deliberation having been had thereon,

It is ordered that motion is deemed withdrawn.

ENTER:

  
Clerk.

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

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

-----X  
Fasciana and Associates,  
Plaintiff-Appellant,

-against-

M-5424  
Index No. 112173/06

James Biden, R. Hunter Biden and  
Anthony V. Lotito, Jr.,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 30, 2009,

And defendants James Biden and R. Hunter Biden having moved to dismiss the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion and the stipulation of the parties hereto, dated December 2, 2009, and due deliberation having been had thereon,

It is ordered that both the motion and the notice of appeal from the order entered on or about October 30, 2009 are deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

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

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

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

-against-

M-144  
Ind. No. 5710/08

Jorge Rodriguez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 12, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk

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

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

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

-against-

M-145  
Sci. Nos. 31426C/09  
59346C/09

Omar Rodriguez,  
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:

  
Clerk

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

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

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

-against-

M-146  
Ind. No. 4301/08

Auvryn Scarlett,  
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:

  
Clerk

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

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

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

-against-

Anthony Smith,  
Defendant-Appellant.

M-147  
Sci. No. 3542/03  
Ind. No. 3606/08

-----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 October 6, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:   
Clerk

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

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

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

-against-

M-148  
Ind. No. 5005/08

Gregory Somoza,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 2, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk

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

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

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

-against-

M-149  
Ind. No. 2269/08

Michael Spears,  
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 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 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:

  
Clerk

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

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

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

-against-

M-150  
Ind. No. 3427/06

Robert J. Symonds,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 17, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER

  
Clerk

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

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

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

-against-

M-152  
Ind. No. 1610/09

Abdul Taylor,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 20, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk

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

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

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

-against-

M-153  
Ind. No. 1964/09

Trumaine Turane,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 20, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk

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

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

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

-against-

M-154  
Ind. No. 2157/08

Bryan Vermont,  
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 October 19, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk

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

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

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

-against-

M-155  
Ind. No. 2094/09

Andre Villegas,  
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 October 21, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER   
Clerk

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

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

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

-against-

M-156  
Ind. No. 5432/00

Elvis Winter,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 19, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk

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

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

-----X  
Sylvia Oliver,

Petitioner,

-against-

M-9

Index No. Unknown

New York City Housing Authority,

Respondent.  
-----X

Petitioner having moved for leave to appeal to this Court from the determination of the New York City Housing Authority, dated December 21, 2009, and to prosecute said appeal as a poor person,

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 renew upon petitioner's submission of an order of the Supreme Court and a timely filed notice of appeal.

ENTER:

  
Clerk.



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

It is ordered that the motions and cross motion are denied.

ENTER:   
Clerk

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

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

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

-against-

M-2234  
M-2455  
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 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 18, 2007, and for related relief (M-2234),

And petitioner-landlord-respondent-cross-appellant having cross-moved for, inter alia, the imposition of costs and sanctions upon tenants (M-2455),

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

It is ordered that the motion is granted only to the extent of granting leave to appeal from the Appellate Term. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court (M-2234), and it is further

Ordered that the cross-motion is denied (M-2455).

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 February 11, 2010.

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

-----X  
Echostar Satellite, L.L.C.,  
Plaintiff-Appellant,

-against-

M-244  
Index No. 600282/08

ESPN, Inc., ESPN Classic, Inc.,  
ABC Cable Networks Group, Soapnet  
L.L.C., and International Family  
Entertainment, Inc.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 21, 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 enlarging the time in which to perfect the appeal to the September 2010 Term.

ENTER:

  
Clerk.

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

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

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

-----  
Kevin W.,  
Petitioner-Appellant,

-against-

M-129  
Docket No. V9884/08

Administration for Children's  
Services, et al.,  
Respondents-Respondents.

-----X  
An appeal having been taken from the order of the Family Court, Bronx County, entered on or about October 2, 2008,

And petitioner having moved for an enlargement of time in which to file a pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing petitioner to serve and file 10 copies of said pro se supplemental brief on or before February 22, 2010 for the May 2010 Term to which Term the appeal is adjourned to, with no further enlargements to be granted.

ENTER:

  
Clerk.

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

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
John T. Buckley  
Rosalynd H. Richter, Justices.

-----X  
Grand Manor Health Related Facility,  
Inc.,

Plaintiff-Respondent,

-against-

M-5657  
Index No. 301880/08

Hamilton Equities, Inc., Hamilton  
Equities Company, Robert Nova and  
Susan Chait-Grandt,

Defendants-Appellants.  
-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about September 29, 2009, and said appeal having been perfected,

And an order of this Court having been entered on November 5, 2009 (M-4511), denying defendants-appellants' motion for a stay of injunctive relief afforded plaintiff by the aforesaid order pending hearing and determination of the appeal taken therefrom,

And defendants-appellants having moved for reargument of the aforesaid motion (M-4511),

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

It is ordered that the motion is denied.

ENTER:

  
Clerk

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

PRESENT - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----x  
Mauhoi Tung,  
Plaintiff-Appellant,

-against-

M-48  
Index No. 119616/03

Henry Chiu, D.D.S., doing business as  
Mott Street Dental Services, P.C.,  
Defendant-Respondent.

-----x

Appeals having been taken to this Court by plaintiff from an order of the Supreme Court, New York County, entered on or about February 4, 2009 (mot. seq. no. 004) from a judgment of said Court entered on or about March 16, 2009; from an order of said Court entered on or about April 17, 2009 and from an order of said Court entered on or about July 2, 2009,

And an order of this Court having been entered on December 15, 2009 (M-4902), inter alia, remanding the matter to Supreme Court to fix an undertaking by appellant pursuant to CPLR 6312(b),

And defendant-respondent having moved for an order, inter alia, striking the aforesaid appeal from the Court's calendar based upon appellant's failure to file an undertaking,

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(s) are stricken from the calendar, with leave to appellant to re-file upon the posting of the undertaking fixed by Supreme Court.

ENTER:

  
Clerk

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

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

-----X  
Sandra Delgado, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-526  
Index No. 14684/95

The City of New York and New York  
City Police Department,  
Defendants-Appellants,

New York City Housing Authority, New  
York City Housing Police Department  
and Nicholas Witkowitch,  
Defendants-Appellants,

Brian Washington and Brian Masiello,  
Defendants-Appellants.

-----X

Separate appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about June 13, 2008,

And defendants-appellants, New York City Housing Authority and Nicholas Witkowitch, having moved for an enlargement of time of the respective appellants in which to perfect the appeals, and for other relief,

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

It is ordered that the motion is granted to the extent of enlarging the time of the parties in which to perfect the appeals to on or before March 22, 2010 for the June 2010 Term.

ENTER:

  
Clerk.

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

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Dianne T. Renwick  
Nelson S. Román, Justices.

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

-against-

M-5538  
Ind. No. 458/09

Gerrod Nettles,  
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 December 3, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Eric E. Rothstein, Esq., Rothstein Law PLLC, 11 Park Place, Suite 1801, New York, New York 10007, Telephone No. 212-385-8015, 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.

ENTERED

  
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 11, 2010.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Helen E. Freedman, Justices.

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

Pat Bland,  
Petitioner-Respondent-Appellant,

M-7  
Index No. 402384/07

-against-

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

-----X

An order of a Justice of this Court having been entered on January 20, 2009 (M-5382/M-5593), granting the respective parties leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about October 23, 2008, and said appeal having been perfected,

And petitioner having moved for an order requesting this Court take judicial notice of a copy of Appendix B to Chapter Seven of the New York City Housing Authority's Management Manual, attached to petitioner's moving papers as Exhibit A, and for waiver of filing fees,

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 petitioner is directed to serve and file 10 copies of the aforesaid Exhibit A within 10 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 February 11, 2010.

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

-----X  
The People of the State of New York  
ex rel. Anna Ciano, also known as  
Angela Perez, also known as Kelly Graham,  
also known as Anna Tillman,

Petitioner,

M-5863  
Ind. No. 3782/07

-against-

Arthur Olivari, Warden, Rikers Island  
R.M.S.C.,

Respondent.  
-----X

The above-named 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 for the writ is hereby granted, and

It is further ordered that the matter is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007 for the issuance of said writ and service by mail upon the respective parties.

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 February 11, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Cargill Financial Services International,  
Inc.,  
Plaintiff-Appellant,

-against-

M-4972  
M-5116  
Index No. 601890/09

Bank Financial and Credit Limited,  
also known as OJSC Bank Finance and  
Credit,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved, pursuant to CPLR 5519(e), for an extension of an existing temporary restraining order [M-4972],

And plaintiff-appellant having moved, by separate motion, 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 October 27, 2009 (Appeal Nos. 1301N/1302N/1302NA) [M-5116],

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

It is ordered that the motion [M-5116], to the extent it seeks renewal or leave to appeal to the Court of Appeals, is denied. The motion, to the extent it seeks reargument, is granted and, upon reargument, the decision and order of this Court entered on October 27, 2009 (Appeal Nos. 1301N/1302N/1302NA) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 1301N/1302N/1302NA, decided simultaneously herewith.)

The motion [M-4972], to the extent it seeks an extension of an existing temporary restraining order, is denied as moot,

said relief having been granted by the order of a Justice of this Court dated October 29, 2009.

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 February 11, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
James Post,

Plaintiff-Appellant,

-against-

M-472

Index No. 100008/08

Todd Killian, William Craig, Albert  
Aflalo, Raphael Sassouni, 338 West  
19<sup>th</sup> Street Incorporated and All Area  
Property Management,

Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 3, 2009 (mot. seq. no. 001), and said appeal having been perfected,

And plaintiff-appellant having moved to stay all proceedings in Supreme Court and in related Civil Court proceedings, pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is denied.

ENTER:

  
Clerk.

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

-against-

M-5466  
Ind. No. 1765/08

Christopher Nervil,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 30, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk

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

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

-----X  
681 Chestnut Ridge Road LLC,  
Plaintiff-Appellant,

-against-

M-75  
Index No. 108868/08

Edwin Gould Foundation for Children,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 20, 2009 (mot. seq. no. 001),

And defendant-respondent having moved to compel plaintiff-appellant to perfect the aforesaid appeal by a certain date,

Now, upon reading and filing the papers with respect to the motion, and the notice of withdrawal of motion filed by counsel for respondent on January 13, 2010,

It is ordered that the motion is deemed withdrawn.

ENTER:

  
Clerk.

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

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

-----x  
Jonathan Hernandez, by his mother and natural guardian, Idalia Sanchez, and Idalia Sanchez, individually,  
Plaintiffs-Appellants,

M-21  
Index No. 25216/05

-against-

St. Stephen of Hungary School,  
Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 27, 2009, and said appeal having been perfected,

And defendant-respondent having moved to strike the record on appeal and brief submitted by plaintiffs-appellants, or for alternative and related relief,

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

It is ordered that the motion is denied, without prejudice to respondent addressing the issue on the appeal. The Clerk is directed to maintain the appeal on the calendar for the April 2010 Term.

ENTER:

  
Clerk

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

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

-----X  
Leon Casper,

Plaintiff-Appellant,

-against-

M-203  
Index No. 600419/06

Cushman & Wakefield,

Defendant-Respondent.  
-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 13, 2009, and said appeal having been perfected,

And plaintiff-appellant having moved to stay a certain fee hearing pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is denied.

ENTER:

  
Clerk.

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

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

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

M-4505  
Ind. No.0037/05

-against-

CERTIFICATE  
DENYING LEAVE

Robert Barksdale

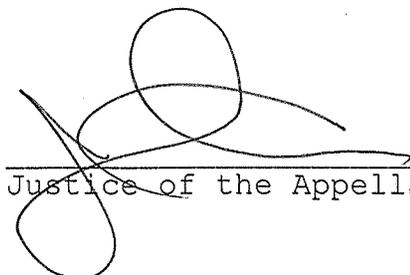
Defendant.

-----X

I, James M. Catterson, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, dated August 21, 2009, is hereby denied.

Dated: January 27, 2010  
New York, New York

ENTERED: **FEB 11 2010**

  
\_\_\_\_\_  
Justice of the Appellate Division

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

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

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

Respondent-movant,

M-293

Ind. No. 5214/06

-against-

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

CHRIS McALPIN  
Defendant.

-----x

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

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

  
Justice of the Appellate Division

Dated: February 3, 2010  
New York, New York

ENTERED: FEB 11 2010

\*Description of Order:

Supreme Court, New York County, entered on August 28, 2007.  
App. Div., First Dept., Appeal No. 187, Revd on December 3, 2009.

---

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

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

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

-----x  
The People of the State of New York, M-196  
Plaintiff, Index No. 41/06

-against-

Wiley Bennett,

Defendant.

CERTIFICATE  
DENYING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

-----x  
I, Helen E. Freedman, a Justice of the Appellate Division,  
Supreme Court, First Department, do hereby certify that, upon  
application timely made by the above-named appellant for a  
certificate pursuant to CPL 460.20, and upon the record and  
proceedings herein,\* there is no question of law presented which  
ought to be reviewed by the Court of Appeals and permission to  
appeal, and related relief, is hereby denied.

Dated: January 28, 2010  
New York, New York

  
\_\_\_\_\_  
Justice of the Appellate Division

ENTERED: FEB 11 2010

\*Description of Order:

Supreme Court, Bronx County, entered on April 18, 2007,  
App. Div., First Dept., Appeal No. 1054, Affd on September 24,  
2009.

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

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT

FEB 11 2010

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

-----x

In the Matter of Alan J. Shweky,  
(admitted as Alan Jay Shweky),  
an attorney and counselor-at-law:

Departmental Disciplinary Committee                   M-4516  
for the First Judicial Department,  
Petitioner,

Alan J. Shweky,  
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental  
Disciplinary Committee for the First Judicial Department.  
Respondent, Alan J. Shweky, was admitted to the Bar of the  
State of New York at a Term of the Appellate Division of  
the Supreme Court for the Second Judicial Department on  
January 9, 1980.

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

Hinshaw & Culbertson, LLP (Richard Supple, of counsel),  
for respondent.

M-4516 (October 29, 2009)

IN THE MATTER OF ALAN J. SHWEKY, AN ATTORNEY

PER CURIAM

Respondent Alan J. Shweky was admitted to the practice of law in the State of New York by the Second Judicial Department on January 9, 1980 under the name Alan Jay Shweky. At all times relevant to this proceeding, respondent maintained an office for the practice of law within the First Department.

In March 2009, the Departmental Disciplinary Committee filed formal charges alleging that respondent improperly removed funds he was holding in escrow for his clients' benefit without permission and used them for personal purposes, and that he committed other escrow fund violations including improper cash withdrawals and inadequate record-keeping.

An attorney who is the subject of an investigation or pending disciplinary proceeding may resign from the practice of law by submitting an affidavit of resignation to the Committee stating he intends to resign (22 NYCRR 603.11[a]). On September 24, 2009, respondent submitted such an affidavit. Now, pursuant to 22 NYCRR 603.11(b), the Committee has filed the affidavit with this Court and seeks an order accepting respondent's resignation from the practice of law and striking his name from the roll of attorneys.

Respondent's affidavit of resignation complies with the

requirements set forth in 22 NYCRR 603.11(a). Respondent states that his resignation is freely and voluntarily rendered, without coercion or duress, that he is fully aware of the implications of submitting his resignation and that he consulted with counsel prior to his decision to resign. Respondent acknowledges that he is aware that the charges delineated above are pending against him by the Committee and that he cannot successfully defend himself on the merits against them. He specifically admits that he cannot successfully defend himself against the charge of intentional conversion in violation of Disciplinary Rule 1-102(A)(4).

Accordingly, upon the motion of the Committee, respondent's resignation from the practice of law should be accepted and his name stricken from the roll of attorneys, effective *nunc pro tunc* to September 24, 2009.

All concur.

Order filed.

**PM ORDERS**

**ENTERED**

**FEBRUARY 9, 2010**

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

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David Friedman  
Eugene Nardelli  
Rosalyn H. Richter, Justices.

-----X  
CDR Créances S.A.S., as Successor to  
Société De Banque Occidentale,  
Plaintiff-Respondent,

-against-

Maurice Cohen,  
Defendant-Appellant,

Summerson International Establishment,  
et al.,  
Defendants.

- - - - -  
Gleason & Katz and John P. Gleason,  
Contemnors-Appellants.

-----X  
CDR Créances S.A.S., as Successor to  
Société De Banque Occidentale,  
Plaintiff-Respondent,

-against-

Leon Cohen, etc., et al.,  
Defendants-Appellants,

Iderval Holdings, Ltd., et al.,  
Defendants.

- - - - -  
Gleason & Katz and John P. Gleason,  
Contemnors-Appellants.

-----X

M-5713

M-5772

Index No. 109565/03

Index No. 600448/06

Appeals having been taken by the respective appellants from the order of the Supreme Court, New York County, entered on or about November 27, 2009 (mot. seq. nos. 023, 024, 025 and 030, 031, 032 and 033),

And said appellants having moved to stay all proceedings, pending hearing and determination of their respective aforesaid appeals (M-5713 and M-5772),

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

Ordered that the motions are denied. Sua sponte, all of respective defendants' discovery deadlines are extended to April 15, 2010, or as the parties may otherwise stipulate.

ENTER:

  
Clerk.