

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 16, 2010.

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

-----X
Carmen Figueroa,
Plaintiff,

-against-

M-4687
Index No. 22501/06

East 168th Street Associates, L.P.,
et al.,
Defendants-Respondents,

Precision Elevator Corp.,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 2, 2009,

And defendant-appellant having moved for an order staying trial, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated October 19, 2009, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.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 16, 2010.

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

-----X
In the Matter of

Paul Antoine Devontae R., also known as Paul R., Jr.,

M-5844
Docket No. B11802/07

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

Catholic Guardian Society and Home Bureau, et al.,
Petitioners-Respondents,

Paul R., Jr., also known as Paul Antoine R.,
Respondent-Appellant.

Anne O'Brien, Esq.,
Law Guardian for the Child.

-----X

Respondent-appellant father 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 8, 2009, and for assignment of counsel, a free copy of the transcript, 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 granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk

of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


Clerk.

¹Service of appellant's brief upon respondent(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 16, 2010.

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

-----X
In the Matter of

Arnel Ashley B. and Britney Renee A.,
also known as Brittany A.,

M-5840

M-5841

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

Docket Nos. B24463/07
B24465/07

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

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

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

-----X

Respondent-appellant mother having moved by separate motions for leave to prosecute, as a poor person, the appeals taken from orders of the Family Court, Bronx County, both entered on or about November 4, 2009, and for assignment of counsel, a free copy of the transcript, 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, sua sponte, the appeals are consolidated and the motions are granted to the extent of (1) assigning, pursuant

to Article 18b of the County Law and §1120 of the Family Court Act, Lisa H. Blitman, Esq., 225 Broadway, New York, NY 10007, Telephone No. (212) 724-2792, as counsel for purposes of prosecuting both appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) 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(s) from the Family Court to this Court. The Clerk of the Family Court shall transfer the record(s) upon receipt of this order and; (4) directing appellant to perfect the consolidated appeals within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


Clerk.

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

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

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

-----X
Security Insurance Company of Hartford,
as subrogee of Mutual Redevelopment
Houses, Inc.,
Plaintiffs-Appellants-Respondents,

-against-

M-5866
M-160
Index No. 108868/03

Architron Designers & Builders, Inc.,
Defendant-Respondent-Appellant,

J.J.H. Construction Corp.,
Defendant-Repondent,

360 West 28th Street, LLC and Mitchell
Hirth, individually and as general
partner,
Defendants-Respondents-Respondents,

Van Jay Brody, R.A. and Van Jay Brody
Architect, P.C.,
Defendants-Respondents-Respondents,

Jack William Mendelson, P.E. and JWM
Consulting,
Defendants-Respondents-Respondents.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 13, 2009 (mot. seq. no. 002, 003, 004 and 005),

And plaintiffs-appellants-respondents having moved for an enlargement of time in which to perfect the direct appeal (M-5866),

And defendant-respondent-appellant having moved for an enlargement of time in which to perfect the cross appeal (M-160),

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 granted to the extent of enlarging the time in which to perfect the appeal and cross 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 16, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

In the Matter of

Christian Matthew V.,

M-4272A

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

Docket No. B14192/06

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

Victor Manuel V.,
Respondent-Appellant.

Steven Banks, Esq.,
Law Guardian for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 8, 2009, and for assignment of counsel, a free copy of the transcript, 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 granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Neal D. Futerfas, 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 682-2171, as

counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. (The order of this Court entered on November 5, 2009 [M-4272] is hereby recalled and vacated.)

ENTER:


Clerk.

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

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

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

-----X
In the Matter of

Lanise Moena R.,

Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -

Harlem-Westside Center for Children
and Family Services,
Petitioners-Respondents,

M-65
Docket No. B-10316/06

Simone Robinson,
Respondent-Appellant.

- - - - -
Ronnie Dane, Esq.,
Law Guardian for the Child.

-----X

Respondent, in connection with the appeal from an order of the Family Court, New York County, entered on or about October 17, 2008, having moved for an enlargement of time in which to perfect the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2010 Term.

ENTER:


Clerk

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

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

-----X
Andrew Spinnell,
Plaintiff-Respondent,

-against-

M-273
Index No. 110472/07

Philip Seldon,
Defendant-Appellant,

Magazine Emporium, Inc., et al.,
Defendants.

-----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 March 20, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2010 Term.

ENTER:


Clerk.

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 16, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Ruth Kassover, etc., et al.,

Plaintiffs-Respondents-Appellants,

-against-

M-4053

Index No. 602434/05

Prism Venture Partners, LLC, et al.,

Defendants-Appellants-Respondents.
-----X

Defendants-appellants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 22, 2008 (Appeal Nos. 3538 and 3539),

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 16, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
James M. McGuire
Sallie Manzanet-Daniels, Justices.

-----X
403 East 76 St. Corp.,
Plaintiff-Respondent-Appellant,

Action No. 1

-against-

Index No. 104089/07

Eyeprops Realty, LLC, Senior Living Options, Inc., 76th Street Associates, L.P. Resheff, Inc., The City of New York, The Department of Education of the City of New York,
Defendants-Respondents,

M-5188
M-5191
M-182

The Travelers Companies, Inc., formerly known as The St. Paul Travelers Companies, Inc.,
Defendant-Appellant-Respondent.

-----X
Vincent Campione, Barbara Campione and 419 E 76 LLC,
Plaintiffs-Respondents,

Action No. 2

-against-

Index No. 102887/07

New Hampshire Insurance Company, Eyeprops Realty, LLC, Senior Living Options, Inc., Doran Resheff, Resheff, Inc., Selnick Harwood Consulting Engineers, P.C., Alfred Selnick, Steven Harwood,
Defendants,

Estate of David Mandl and Meltzer Mandl Architects, P.C.,
Defendants-Appellants.

-----X
(And other actions)
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 2, 2008 (Action No. 1),

And an appeal having been taken from the order of said Court entered on or about June 5, 2009 (Action No. 2),

And defendant-appellant-respondent (Action No. 1) having moved for an enlargement of time of the respective parties in which to perfect the appeal and cross appeal, or for related relief (M-182),

And defendants-appellants (Action No. 2) having moved by duplicative motions for an enlargement of time in which to perfect their appeal (M-5188/M-5191),

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 granted to the extent of enlarging the time in which to perfect the appeal and cross appeal (Action No. 1) and the appeal (Action No. 2) to the September 2010 Term. The clerk is directed to calendar the appeals for hearing together in said 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 16, 2010.

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

-----X
Diamond State Insurance Company, as
subrogee of Gentry Apartments, Inc.,
Plaintiffs-Respondents,

M-5801
Index No. 104910/05

-against-

Utica First Insurance Company,
Defendant-Appellant.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about November 13, 2009 (mot. seq. nos. 005, 006 and 007), and from the judgment of said Court, entered on or about November 20, 2009,

And defendant-appellant having moved for a stay of all proceedings, pending hearing and determination of the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Farber Brocks & Zane, L.L.P., (Audra S. Zane, of counsel), dated December 30, 2009, and due deliberation having been had thereon, it is

Ordered that defendant-appellant's motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 16, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. McGuire
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5390
Ind. No. 1348/06

Albert Javier,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 3, 2008 (M-2326), assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about January 16, 2007,

And defendant having moved for an order relieving assigned counsel, to substitute retained counsel to prosecute the appeal and to continue the poor person relief granted by the aforementioned order,

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

It is ordered that the motion is granted to the extent of relieving Steven Banks, Esq. as counsel and vacating the poor person relief granted in the prior order of this Court (M-2326) entered June 3, 2008. The motion is otherwise denied as unnecessary.

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 16, 2010.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Extell 609 West 137th Street, LLC,
Petitioner-Landlord-
Respondent,

-against-

M-5860
Index No. 570277/09

Altagracia Santana,
Respondent-Appellant,

-and-

Carmen Madera, "John Doe" and/or
"Jane Doe",
Respondents-Undertenants-
Appellants.

-----X

An order of this Court having been entered on December 10, 2009 (M-4406), denying respondent-undertenant Carmen Madera 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 August 6, 2009,

And respondent-undertenant Carmen Madera having moved for reargument of the aforesaid order of this Court, entered on or about December 10, 2009 (M-4406),

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 16, 2010.

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

-----X
In the Matter of

Timothy Reynaldo L. M., also known
as Timothy L.,

M-5600
Docket No. B3262/07

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

- - - - -
The Children's Aid Society, et al.,
Petitioners-Respondents,

Reynaldo L.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq.,
Law Guardian for the Child.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about May 18, 2009, and for assignment of counsel, a free copy of the transcript, for an enlargement of time in which to perfect the appeal, 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 granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, John J. Marafino, Esq., 9 West Prospect Ave., Suite 409, Mount Vernon, NY 10550, Telephone No. (914) 663-1500, as counsel for purposes of prosecuting the

appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


clerk.

¹Service of appellant's brief upon respondent(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 16, 2010.

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

-----X
Grace DeLiberio,

Plaintiff-Respondent,

-against-

M-5854
Index No. 20443/00

Dominick DeRose,

Defendant-Appellant,

Joseph DeRose,
Defendant.

-----X

Plaintiff-respondent having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 14, 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:


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 16, 2010.

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

-----X
Gina Gabriele,

Plaintiff-Appellant,

-against-

M-5704
Index No. 7391/05

Edgewater Park Owners' Cooperative,
Inc., et al.,

Defendants-Respondents,

Peter George Development Corp.,

Defendant.

-----X
(And A Third-Party Action)
-----X

Defendant-respondent Edgewater Park Owners' Cooperative, Inc., having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 10, 2009 (Appeal No. 1426),

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 16, 2010.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Seth A. Mensah,
Plaintiff-Appellant,

-against-

M-5497
Index No. 107302/08

Polytechnic University, et al.,
Defendants-Respondents,

Kennedy Space Center,
Defendant.

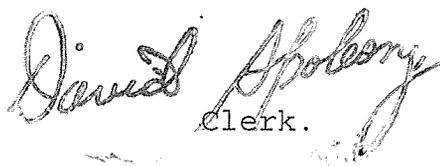
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on December 1, 2009 (Appeal No. 1596),

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 16, 2010.

Present - Hon. Peter Tom, Justice Presiding,
John T. Buckley
James M. Catterson
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
In re the State of New York,
Petitioner-Appellant,

-against-

Mustafa Rashid,
Respondent-Respondent.

M-5825
M-8
Index No. 30210/08

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 22, 2009 (Appeal No. 1227),

And respondent-respondent having cross-moved for vacatur of any stay with respect to his release from custody, or for related relief,

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

It is ordered that the motion is denied, and the cross motion is denied, as moot.

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 16, 2010.

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

-----X
Arnick Singh and Navpreet Singh,
Plaintiffs-Appellants,

-against-

M-413
Index No. 111546/09

Turtle Bay Towers Corp.,
Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 12, 2009 (mot. seq. no. 002)

And plaintiffs-appellants having moved in the nature of a preliminary appellate injunction pursuant to CPLR 5518 with respect to barring transfer by defendant co-operative corporation of certain shares assigned to the subject apartment,

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

Ordered that the motion is granted on condition that the appeal is perfected for the on or before March 22, 2010 for the June 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:


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 16, 2010.

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

-----X
Janulyn McKanic,
Plaintiff-Appellant,

-against- M-416
M-517
Amigos Del Museo Del Barrio, Index No. 602360/05
Defendant-Respondent.
-----X

An order of this Court having been entered on October 27, 2009 (M-4234), granting plaintiff a final enlargement of time in which to perfect the appeals taken from the orders of the Supreme Court, New York County, entered on or about November 24, 2008 (mot. seq. no. 007) and December 4, 2008, respectively, to the February 2010 Term,

And an order of this Court having been entered on November 5, 2009 (M-4571), inter alia, granting a further enlargement of time in which to perfect plaintiff's appeal taken from the order of said Supreme Court, entered on or about October 7, 2008 (mot. seq. no. 004), only to the extent of consolidating all of plaintiff's appeals for hearing during the February 2010 Term,

And an order of this Court having been entered on December 29, 2009 (M-5322) inter alia, conditionally granting appellant a further enlargement to the April 2010 Term,

And plaintiff-appellant having moved for leave to prosecute, as a poor person, the aforesaid consolidated appeals and for a further enlargement of time in which to perfect said appeals, and for other relief (M-416),

And defendant having cross-moved for an order requiring plaintiff to seek permission of the Court prior to filing additional motions (M-517),

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 waiving the filing fee to re-perfect the consolidated appeals and enlarging the time to perfect said appeals to on or before March 22, 2010 for the June 2010 Term and the motion is otherwise denied (M-416).

The cross motion is denied (M-517). Sua sponte, upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that defendant-respondent serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

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

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
Karla Moskowitz, Justices.

-----X
Jericho Group Ltd.,

Plaintiff-Appellant,

-against-

M-5755
Index No. 600566/07

Midtown Development, L.P., et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 5, 2009 (Appeal No. 1364),

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 16, 2010.

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

-----X
Natural Organics Inc.,

Plaintiff-Respondent,

-against-

M-5722
Index No. 601186/08

Anderson Kill & Olick, P.C., et al.,

Defendants-Appellants.
-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 17, 2009 (Appeal No. 1291),

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 16, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Helen E. Freedman, Justices.

-----X
Ruchama Gamiel,

Plaintiff-Respondent,

-against-

M-5784
Index Nos. 603887/02
590268/04

Curtis & Reiss-Curtis, P.C., et al.,

Defendants-Appellants.

-----X
[And a Third-Party Action]
-----X

Plaintiff-respondent having moved for reargument of the decision and order of this Court entered on March 10, 2009 (Appeal No. 36),

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 16, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

Isidro A-M., M-5537
Petitioner-Appellant, Docket No. V11679-95/06A

-against-

Mirta A. and Minerva F.,
Respondents-Respondents.

Steven Banks, Esq., Law Guardian
for the Child, Angel A-F.
-----X

An order of this Court having been entered on November 10, 2009 (M-3747), denying petitioner-appellant father leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about December 22, 2008,

And petitioner-appellant father having moved for reargument of the aforesaid order of this Court entered on November 10, 2009 (M-3747),

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 moot. (See M-5848, decided simultaneously herewith.)

ENTER:


Clerk.

CORRECTED ORDER - February 24, 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 16, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

Isidro A-M.,
Petitioner-Appellant,

M-5848
Docket No. V11679-95/06A

-against-

Mirta A. and Minerva F.,
Respondents-Respondents.

Steven Banks, Esq.,
Law Guardian for the Child, Angel A-F.
-----X

Respondent-respondent, Mirta A., legal custodian of the subject child, having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about December 22, 2008, for the 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, Anne Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, NY 10017, Telephone No. (212) 972-5430, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 10 copies thereof are filed with this Court to on or before April 21, 2010 for the June 2010 Term, to which Term the appeal is adjourned. (See M-5537, decided simultaneously herewith.)

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 16, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman
Roselyn H. Richter, Justices.

-----X
Grady, Inc.,

Petitioner-Respondent,

-against-

M-5240
Index No. 570498/08

Theresa Johnson,

Respondent-Appellant.
-----X

An order of this Court having been entered on October 27, 2009 (M-3478), inter alia, denying respondent-appellant leave to appeal to this Court from the order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about May 6, 2009,

And respondent-appellant having moved for reargument of the aforesaid order of this Court, entered on October 27, 2009 (M-3478),

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 16, 2010.

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

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

-against-

M-5395
Ind. No. 2468/08

Dennis Smith,
Defendant-Appellant.

-----X

Defendant having renewed his 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 December 11, 2008, 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 M. 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 16, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Arnold Joseph Mars,

Plaintiff-Appellant,

-against-

M-4988
Index No. 116675/03

Robert Z. Dobrish, Esq., et al.,

Defendants-Respondents,

William Beslow,

Defendant.
-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 1, 2009 (Appeal Nos. 1084/5034N),

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 16, 2010.

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

American Arbitration Association, Inc.,
Plaintiff-Respondent,

-against-

M-306
Index No. 115499/09

Laurus Capital Management, LLC,
Eugene Grin, David Grin and
Valens Capital Management, LLC,
Defendants-Appellants.

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 7, 2010, said appeal having been perfected for the January 2010 Term,

And defendants-appellants having moved pursuant to CPLR 5521 for a discretionary appellate preference directing plaintiff-respondent to comply with a certain schedule to expedite 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 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 16, 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-5542
Ind. No. 6046/02

Alexis Orta,
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 1, 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 pursuant to Sec 722 of the County Law. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006, Telephone No. (212) 577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal.

ENTER:


Clerk

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

Appellant,

-against-

M-5474
Ind. No. 5076/07

Ronald Sudol,

Defendant-Respondent.

-----X

An appeal having been taken by the People from the order of the Supreme Court, New York County, entered on or about April 29, 2009,

And the People having moved for leave to prosecute the aforesaid appeal 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 counsel for defendant-respondent 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 the People, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 16, 2010.

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

-----X
Julius A. Nasso & Associates
Concrete Corp.,
Plaintiff-Respondent,

-against-

M-5627
Index No. 600137/09

Trataros Construction, Inc. and
Morganti National, Inc., doing business
as Morganti/Trataros Joint Venture,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 3, 2009,

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

It is ordered that the motion is granted.

ENTER:


Clerk.

PM ORDERS

ENTERED

FEBRUARY 11, 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 11, 2010.

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

-----X
Kathleen Newman,
Plaintiff-Respondent,

-against-

M-105
Index No. 106161/07

Ashutush Datta and Jong S. Lim,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 21, 2009 (mot. seq. no. 001),

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

It is ordered that the motion is granted.

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
ING Prime Rate Trust, et al.,
Plaintiffs-Respondents,

-against-

M-641
Index No. 600906/09

Freescale Semiconductor, Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 4, 2009 (mot. seq. no. 001),

And an order of this Court having been entered on January 26, 2010 (M-70), inter alia, granting appellant a conditional stay of further proceedings in this action,

And plaintiffs-respondents having moved for a vacatur of the order of this Court entered on January 26, 2010 (M-70), and for certain injunctive 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 only to the extent of vacating the stay granted by the prior order of this Court entered January 26, 2010 (M-70). The motion is otherwise denied without prejudice to proceedings in the Supreme Court with respect to issues concerning the subject credit agreement.

ENTER:


Clerk.