

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
Eugene Nardelli
Rosalyn H. Richter, Justices.

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

Esther H., M-4949
Petitioner-Respondent, Docket No. 014355/08

-against-

Eddie H.,
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about October 13, 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, Kenneth M. Tuccillo, Esq., 385 Warburton Avenue, Hastings on Hudson, New York, NY 10706, Telephone No. (914) 439-4843, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available

January 19, 2010

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:

David Spobony
DEPUTY CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

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

-against-

M-5575
Ind. No. 692/08

Ronald Green,
Defendant-Appellant.

-----X
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 16, 2008, for leave to prosecute the appeal as a poor person, 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 only to the extent of deeming the notice of appeal timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel "Brenner", Esq., and to post the \$7,500 bail in the Supreme Court, and the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


DEPUTY CLERK
clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
Antonio Mallet,
Plaintiff-Appellant,

For a Judgment Pursuant to Article 78 M-5533
of the Civil Practice Law and Rules, Index No. 402664/08

-against-

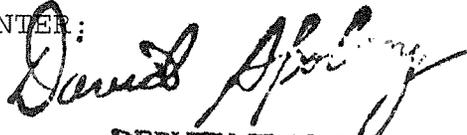
Commissioner Raymond Kelly, New York
City Police Department,
Respondent-Respondent.

-----X
Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about August 4, 2009 (mot. seq. no. 001), 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 denied.

ENTER:


DEPUTY CLERK
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
Aftab Mirza,

Plaintiff-Appellant,

-against-

M-5573
Index No. 109168/07

HSBC Bank USA, NA,

Respondent-Respondent,
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 16, 2009 (mot. seq. no. 002), 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 denied.

ENTER:

David Spolony
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
U.S. Electronics, Inc.,

Petitioner-Appellant,

-against-

Sirius Satellite Radio, Inc.,

Respondent-Respondent.
-----X

M-5630
Index No. 115867/08

Respondent-respondent having moved for an order dismissing petitioner-appellant's appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 7, 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 to dismiss the appeal is granted unless the appeal is perfected on or before February 22, 2010 for the May 2010 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the appellant(s) within 10 days after the date of entry hereof.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

Encore College Bookstore, Inc.,
Petitioner-Respondent-Appellant,

M-5115
Index No. 101012/08

For a Judgment, etc.,

-against-

City University of New York,
Respondent-Appellant-Respondent,

BMCC Auxiliary Enterprises Corporation,
Respondent-Appellant-Respondent,

-and-

Kingsborough Community College
Auxiliary Enterprises Corporation,
Respondent-Respondent.

-----X

Appeals and a cross appeal having been taken by the respective appellants from the order of the Supreme Court, New York County, entered on or about December 10, 2008 (mot. seq. no. 001),

And petitioner-respondent-appellant Encore College Bookstore, Inc. having moved for an order dismissing respondents' direct appeals,

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

Ordered that the motion is denied, without prejudice to petitioner raising the issue in their petitioner-respondent-appellant's brief. The appeals and cross appeal are adjourned to the April 2010 Term.

ENTER:

David Spobony
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
Angela Leonardi,

Plaintiff-Appellant,

-against-

M-5535
Index No. 23425/05

Arlene Cruz, et al.,

Defendants-Respondents.
-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about October 1, 2008 and April 20, 2009, respectively, and said appeals having been consolidated by the order of this Court entered on July 21, 2009 (M-2638),

And an order of this Court having been entered on October 15, 2009 (M-4230), striking plaintiff's consolidated appeals from this Court's December 2009 calendar, without prejudice to plaintiff refiling said appeals for the January 2010 Term upon an amended Record on Appeal which deletes all documents dehors the record with the exception of the certain note of issue which was specifically permitted to be included by the aforesaid order of this Court entered on July 21, 2009 (M-2638),

And plaintiff having moved for an enlargement of time in which to refile an amended Record on Appeal and an appellant's 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 enlarging plaintiff's time to refile an amended Record on Appeal and an appellant's brief to on or before February 22, 2010 for the May 2010 Term, with no further enlargements to be granted.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----x
Black Diamond CLO 2005-1, Ltd., et al.,
Plaintiffs-Appellants,

-against-

M-5551
Index No. 602519/07

Rhone Capital, LLC, et al.,
Defendants-Respondents,

PricewaterhouseCoopers, LLP, et al.,
Defendants.

-----x

Appeals having been taken to this Court by plaintiffs from the order and judgment of the Supreme Court, New York County, both entered on or about February 11, 2009, and from the order and judgment of said Court entered on or about October 13, 2009 and October 20, 2009, respectively,

And plaintiffs-appellants having moved on consent for consolidation of the aforesaid appeals, and for an enlargement of time in which to perfect same,

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 appellants are permitted to prosecute the appeals upon 10 copies of one record and one set of appellants' points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the September 2010 Term, with leave to seek a further enlargement, if necessary.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
Allstate Insurance Company, et al.,
Plaintiffs-Respondents,

-against-

M-5642
Index No. 600509/03

Belt Parkway Imaging, P.C., et al.,
Defendants-Appellants,

Parkway Magnetic Resonance Imaging,
Inc., et al.,
Defendants-Respondents.
-----X

Defendants-appellants 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 26, 2009 (mot. seq. no. 011),

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

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

ENTER:


DEPUTY CLERK
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----x
In the Matter of the Application of
John Whitfield,
Petitioner-Appellant,

For a Judgment, etc.,

M-5531
Index No. 110706/08

-against-

Patricia J. Bailey, FOIL Appeals
Officer, etc.,
Respondent-Respondent.

-----x

Respondent-respondent having moved for dismissal of the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 13, 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 and the appeal is dismissed.

ENTER:

DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
137 Duane Condo, LLC and Duane Thomas,
LLC,
Plaintiffs-Respondents,

-against-

M-5409
Index No. 113029/02

Amy Wallin,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 1, 2009 (mot. seq. no. 014),

And plaintiffs-respondents having moved to dismiss the aforesaid appeal, and for the vacatur of certain CPLR 5519(a)(2) 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 to dismiss the appeal is granted unless defendant perfects the appeal on or before February 22, 2010 for the May 2010 Term upon a supplemental/amended Record on Appeal without prejudice to plaintiffs-respondents' objections to the defendant's existing printed Record on Appeal filed with this Court, and the motion is otherwise denied. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided plaintiffs-respondents serve a copy of this order upon the defendant-appellant within 10 days after the date of entry hereof.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 19, 2010.

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

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

-against-

M-5709
Ind. No. 4343/98

Raymond Arujo,
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

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

- - - - - M-5392
Steven R., Docket No. V14744-08/08A
Petitioner-Respondent,

-against-

Maribel P.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about September 9, 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 denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), addressing where respondent obtained the funds to retain counsel in the Family Court or whether said counsel in Family Court was assigned counsel, and whether respondent has timely taken an appeal from the neglect order (N13202/08), setting forth any bank accounts or property owned by respondent and addressing the merits of the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by respondent.)

ENTER:

David Spobony
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

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

Appellant,

-against-

Victor Roman,

M-5745
Ind. Nos. 4931/96
6894/96

Defendant-Respondent.
-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Supreme Court, Bronx County, entered on or about December 4, 2009, and for the assignment of counsel,

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

It is ordered that the motion is granted to the extent of (1) 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 the People and 10 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----x
Latipac Corp.,

Plaintiff-Appellant,

-against-

M-5720
Index No. 101213/09

BMH Realty LLC, et al.,

Defendants-Respondents.
-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about March 9, 2009 (mot. seq. no. 001) and August 14, 2009 (mot. seq. no. 002), respectively,

And plaintiff having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted and appellant is permitted to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the appeals.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
Glorya F. Cabrera,
Plaintiff-Appellant/Respondent,

-against-

Ramon F. Rodriguez,
Defendant,

ACTION NO. 1
Index No. 15792/05

Cerda Corp.,
Defendant-Respondent/Appellant.

M-5526

Glorya F. Cabrera,
Plaintiff-Appellant,

-against-

ACTION NO. 2
Index No. 17889/05

Hermina E. Gilpin and Jenny Ha Mai,
Defendants-Respondents.

-----X

Consolidated appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about December 9, 2008 and March 23, 2009, respectively (Action No. 1/Index No. 15792/05),

And an appeal having been taken to this Court from an order of said Court entered on or about April 9, 2009 (Action No. 2/Index No. 17889/05),

And plaintiff Glorya F. Cabrera having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is denied.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
In the Matter of the Application
of Estelle Schaefer,

Petitioner-Respondent,

For a Judgment, etc.,

-against-

M-5716
Index No. 100405/07

New York State Division of Housing
and Community Renewal,

Respondent-Appellant,

BCRE 230 Riverside LLC,

Intervenor-Respondent.
-----X

Respondent-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 April 11, 2008 (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 to the extent of enlarging the time in which to perfect the appeal to the May 2010 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

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

Gary Walsh,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5748
Index No. 112811/08

Raymond Kelly, etc., et al.,
Defendant-Respondent.

-----X

Petitioner-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 9, 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 to the extent of enlarging the time in which to perfect the appeal to the May 2010 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
AMP Services Limited, as Trustee of
The Walter and Anna Bronner Trust,
etc.,

Plaintiff-Respondent,

-against-

M-5744
Index No. 106462/04

Walanpatrias Foundation, also known
as Doraw and Walanpatrias Stiftung,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 5, 2009 (mot. seq. no. 008),

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:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----x
EVP Fourth Corp., et al.,

Plaintiffs-Appellants,

-against-

M-5843
Index No. 601094/06

Rowland K. Rebele, et al.,

Defendants-Respondents.
-----x

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 9, 2007 (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 to the extent of enlarging the time in which to perfect the appeal to the September 2010 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
Mercury Partners, Inc.,

Plaintiff-Appellant-Respondent,

-against-

M-5816
Index No. 600814/09

White Eagle Partners, LLC,

Defendant-Respondent-Appellant.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 2, 2009 (mot. seq. no. 002),

And defendant-respondent-appellant having moved on consent of plaintiff-appellant-respondent for a stay of all proceedings, pending hearing and determination of the aforesaid appeal and cross appeal,

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

It is ordered that the motion is granted on condition that the appeal and cross appeal are perfected for the May 2010 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

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

Respondent,

-against-

M-5670
Ind. No. 6425/05

Anthony Griffin, also known as
Fruquan Griffin,

Defendant-Appellant.
-----X

An order of this Court having been entered on November 12, 2009 (M-4431), inter alia, granting defendant an extension of time to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 19, 2006,

And defendant having moved for a further extension of time in which to file the pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before February 22, 2010 for the May 2010 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

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

Respondent,

-against-

M-5140
Case No. 9396C/06

Prince Adomako,

Defendant-Appellant.
-----x

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 11, 2007, 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 denied, as unnecessary, said relief having been granted by the order of this Court entered on December 15, 2009 (M-3283A), a copy of which is annexed hereto.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2009.

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

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

-against-

M-3283A
Case No. 9396C/06

Prince Adomako,
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 July 11, 2007, 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. The order of this Court entered on September 8, 2009 (M-3283) is hereby recalled and vacated.

ENTER:

David Spolony
DEPUTY CLERK
for Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
James M. Catterson
Rolando T. Acosta, Justices.

-----X
The Dermot Company, Inc.,
Plaintiff-Appellant-Respondent,

-against-

M-4970
M-5248

200 Haven Company,
Defendant-Respondent-Appellant,

Index No. 105566/05

200 Haven LLC,
Defendant-Respondent-Appellant.

-----X
The Dermot Company, Inc.,
Plaintiff-Appellant-Respondent,

-against-

Index No. 601098/06

200 Haven Company,
Defendant-Respondent-Appellant.

-----X

Appeals having been taken by plaintiff-appellant, The Dermot Company, Inc., from orders of the Supreme Court, New York County, entered on or about May 23, 2008 and September 24, 2009, respectively,

And cross appeals having been taken by the respective defendants-respondents from the order of said Supreme Court, entered on or about September 24, 2009,

And plaintiff-appellant having moved for consolidation of the aforesaid appeals and cross appeals and for an enlargement of time in which to perfect same (M-4970),

January 19, 2010

And defendant-respondent 200 Haven Company, as supported by 200 Haven LLC, having moved to dismiss plaintiff-appellant's appeal taken from the order of the Supreme Court, New York County, entered on or about May 23, 2008 (M-5248),

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 parties to prosecute the respective appeals and cross appeals, which are consolidated, upon 10 copies of one joint record and of one set of respective appellants' points. The time in which to perfect said consolidated appeals and cross appeals is enlarged to the May 2010 Term. The cross motion is denied without prejudice to cross appellants addressing the issue on the appeal. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Jeffrey Squitieri,
Plaintiff-Respondent,

-against-

M-5257
M-5433
Index No. 350138/06

Beth Squitieri,
Defendant-Appellant,

Susan Y. Kunstler, Esq.,
Non Party-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 24, 2009,

And an order of this Court having been entered on October 15, 2009, granting defendant-appellant leave to prosecute the aforesaid appeal as a poor person and related relief (M-4020/M-4088) and denying defendant-appellant CPLR 5704(a) relief (M-4021),

And defendant-appellant having moved in the nature of a preliminary appellate injunction with respect to the aforesaid order of Supreme Court entered on or about June 24, 2008 and for a stay of enforcement of the judgment of said Court entered thereon on or about July 20, 2009 and for related relief, including renewal/reargument of a motion for contempt, all pending hearing and determination of the aforesaid appeal (M-5257),

And non party-respondent having cross-moved for dismissal of the aforesaid appeal, or for alternative and related relief (M-5433),

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 granted to the extent of staying enforcement of the lien/judgment on condition that defendant perfects the appeal on or before February 22, 2010 for the May 2010 Term. Upon defendant's failure to so perfect, non party-respondent may move on motion to vacate the stay and the motion is otherwise denied (M-5257). The cross-motion is granted to the extent indicated and is otherwise denied (M-5433).

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on January 19, 2010.

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

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

-against-

M-5746
Ind. No. 3071/03

Carlos Blanco,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about December 15, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard 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 State of New York proceeding before Judge Solomon, if any. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


DEPUTY CLERK
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
Southbridge Towers Inc.,
Petitioner-Landlord-Respondent,

-against-

Jodi Pion also known as Jodi Drucker, M-5598
Robert Drucker and Arthur L. Pion, Index No. 570757/08
Respondents-Tenants-Appellants,

-and-

"John Doe" and "Jane Doe",
Respondents.

-----X

Petitioner-landlord having moved for dismissal of the appeal purportedly taken as of right 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 October 23, 2009,

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

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

ENTER:


DEPUTY CLERK
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-5376
Ind. No. 2765/07

Jennifer Wilkov,

Defendant-Appellant.
-----x

Defendant having renewed her 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 June 4, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, 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 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 serve one copy of such brief upon the District Attorney of said county and file 10 reproduced copies of such brief, together with the original record, with this Court.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
In the Matter of

Eugene L., Jr.,

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

Administration for Children's Services,
Petitioner-Respondent,

M-5401
Docket No. NN8842/08

Eugene L., also known as Eugene LaF.,
Respondent-Appellant,

Julianna H., also known as
Juliana H.,
Respondent-Appellant.

Richard Beaman, Esq.,
Law Guardian for the Child.

-----X

Separate appeals having been taken from the order of the Family Court, Bronx County, entered on or about March 6, 2009,

And law guardian for the subject child, Richard E. Beaman, Esq., having moved for an order to be relieved as law guardian and to substitute other counsel to respond to the appeal(s) taken by the respective respondents,

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 movant as law guardian and substituting, pursuant to Section 18b of the County Law and § 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (603) 313-1951, as counsel for purposes of responding to the appeal(s). The appeal(s) is adjourned to the May 2010 Term.

David Spolberg
ENTERED
DEPUTY CLERK
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
In the Matter of

Christy C., Jaleek T. and Shalick T.,

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

M-5391
Docket Nos. NN26073/07
NN26074/07
NN26075/07

Administration for Children's
Services,
Petitioner-Respondent,

Jeffrey C.,
Respondent-Appellant,

Katrina T.,
Respondent-Appellant.

Randall Carmel, Esq.,
Law Guardian for the Children.

-----X

Appeals having been taken by respondent-appellant father from the order of the Family Court, Bronx County, entered on or about November 19, 2008, and from the order of disposition and the order of protection of said Family Court, both entered on or about May 19, 2009,

And an order of this Court having been entered on October 6, 2009 (M-3493), granting subject children leave to respond to the aforesaid appeals as poor persons and assigning Randall Carmel, Esq., as Law Guardian,

And Melinda Oliver, Esq., Law Guardian for the subject children in Family Court, having moved for the same relief previously granted to subject children by the aforesaid order of this Court, entered on October 6, 2009 (M-3493) to respond to the appeal of the respondent mother Katrina T.,

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 relief having been previously granted by the order of this Court entered on October 6, 2009 (M-3493), including the assignment of Randall Carmel, Esq., as Law Guardian, is extended to cover the respective appeal(s) taken by respondent mother.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----x
Alvin Isacowitz, doing business as
Excellence in Plumbing,

Plaintiff-Appellant,

-against-

M-5553
Index No. 604119/00

Halpern Construction, Inc., et al.,

Defendants-Respondents.
-----x

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 29, 2009 (mot. seq. no. 006),

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

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

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
Trustees of the Plumbers Local Union
No. 1 Additional Security Benefit
Fund,
Plaintiffs-Respondents,

-against-

M-5572
Index No. 103822/08

The City of New York,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 23, 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 to the extent of enlarging the time in which to perfect the appeal to the May 2010 Term.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----x
J.D.M. Import Co., Inc., doing
business as Instock Programs,

Plaintiff-Respondent,

-against-

M-5599
Index No. 103463/06

Marvin Hartstein, et al., etc.,

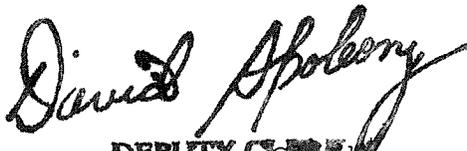
Defendants-Appellants.
-----x

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about November 3, 2008,

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

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

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 19, 2010.

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

-----X
Orbimed Advisors, LLC, as Representative
of the Former Stockholders of Biosynexus,
Inc.,
Plaintiff-Respondent,

-against-

M-5555
Index No. 650316/08

QVT Fund LP,
Defendant-Appellant,

Winston & Strawn LLP,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 18, 2009,

And defendant-appellant having moved for an order filing the entire Record on Appeal "under seal",

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 directing appellant to separately file "under seal" those documents identified as confidential on pages 4 and 5 of appellant's memorandum in reply dated December 17, 2009.

ENTER:


DEPUTY CLERK

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

BEFORE: Hon. Luis A. Gonzalez,

Justice.

-----X

The People of the State of New York,	:	M - 5615
- against -	:	CERTIFICATE DENYING LEAVE
Charles Nelson.	:	Indictment No. 6387/02

-----X

I, Luis A. Gonzalez, 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 Section 460.15 of the Criminal Procedure Law, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 6, 2009, is hereby denied.

Dated: New York, New York

JAN. 7, 2010

ENTERED

JAN 19 2010

Luis A. Gonzalez
Justice
Luis A. Gonzalez

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

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

-----X

The People of the State of New York,
Respondent,

M-4639
Ind. No. 2466/06

-against-

CERTIFICATE
GRANTING LEAVE

LINA SINHA,
Defendant-Appellant.

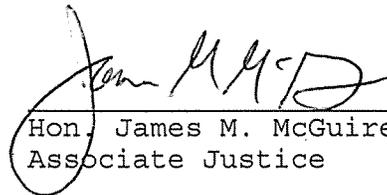
-----X

I, James M. McGuire, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about September 8, 2009.¹

Dated: January 8, 2010
New York, New York

ENTERED

JAN 19 2010



Hon. James M. McGuire
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

BEFORE: Hon. Sheila Abdus-Salaam
Justice of the Appellate Division

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

M - 5616
Ind. No. 5294/2003

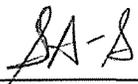
-against-

CERTIFICATE
DENYING LEAVE

Raymond Ramirez
Defendant.

-----X

I, Sheila Abdus-Salaam, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about September 30, 2009 is hereby denied.



Associate Justice

Dated: January 8, 2010
New York, New York

ENTERED: JAN 19 2010

PM ORDERS

ENTERED

JANUARY 14, 2010

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 14, 2010.

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

-----X
In the Matter of

Jazmin Marva B. and
Janiyah Geraldine F.,

Dependent Children under 18 Years
of Age Pursuant to §384-b
of the Social Services Law,

McMahon Services For Children a
Program of Good Shepard Services,
Petitioner-Respondent,

M-5650
Docket Nos. B-394/08
B-395/08

Gerald F.,
Respondent-Appellant,

Cecile Marva B.,
Respondent-Appellant.

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

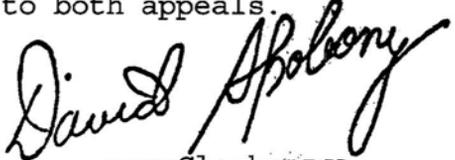
-----X

Appeals having been taken to this Court by respondent father Gerald F. and respondent Mother Cecile Marva B. from orders of the Family Court, New York County, entered on or about February 19, 2009,

And petitioner-respondent Agency having joined with the Law Guardian for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of, sua sponte, enlarging the time of respondent-father to perfect his appeal to the April 2010 Term to which Term the mother's perfected appeal is adjourned. The Clerk is directed to calendar the appeals for hearing together in the April 2010 Term. The law guardian is directed to file one brief in response to both appeals.

ENTER: 
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 14, 2010.

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

-----X
Frank Basile, Celeste Holm and
Holmbase, LLC,
Plaintiffs-Respondents,

-against-

M-5319
Index No. 103030/09

Shannon Mulholland, Moda Entertainment,
Inc., Moda Productions, LLC, Moda
Publishing, LLC, Licensebox, LLC,
and Publicity Box, LLC,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of inquest in the above-entitled action pending hearing and determination of the appeals taken from the orders of the Supreme Court, New York County, entered on or about October 8, 2009 (mot. seq. no. 002) and November 5, 2009,

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before February 16, 2010 for the April 2010 Term. Respondent's brief to be filed on or before March 17, 2010 and appellants' reply brief if any, to be served and filed on or before March 26, 2010, all for said April 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiffs-respondents serve a copy of this order upon defendants-appellants within 10 days after the date of entry hereof.

ENTER:


DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 14, 2010.

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

-----X
Olegario Batiz,
Plaintiff-Respondent,

-against-

M-5833
Index No. 306910/08

Joseph H. Rivera and Professional
Charter Service, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 16, 2009,

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

It is ordered that the motion is denied.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 14, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Rachel Cohn,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5206A
Index No. 108965/08

The Board of Education of the City
School District of the City of
New York, et al.,
Respondents-Appellants.

-----X
In the Matter of

Helen Hickey,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5268A
Index No. 112353/08

New York City Department/Board of
Education,
Respondents-Appellants.

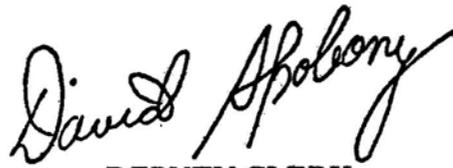
-----X

Respondents-appellants The Board of Education of the City School District of the City of New York and New York City Department/Board of Education having separately moved for an enlargement of time in which to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about February 2, 2009 and February 13, 2009, respectively,

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 appeals to the **April** 2010 Term. The Clerk is directed to calendar the appeals for hearing together in said Term. The order of this Court entered on January 12, 2010 (M-5206/M-5268) is hereby recalled and vacated.

ENTER:

A handwritten signature in black ink, appearing to read "David Apobony". The signature is written in a cursive, flowing style.

DEPUTY CLERK
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 14, 2010.

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

-----X
Madison Realty Capital, L.P., and
67500 South Main Street, Richmond
LLC,

Plaintiffs-Appellants,

M-4938
Index No. 602415/09

-against-

Scarborough-St. James Corporation,
et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 23, 2009,

And plaintiffs-appellants having moved to stay enforcement of the aforesaid order, 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 reinstating the provisions of the interim order of the Supreme Court, New York County, dated August 17, 2009, other than the last decretal paragraph thereof, pending hearing and determination of the aforesaid appeal.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 14, 2010.

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

-----X
One Beacon America Insurance Company
(as successor to Employers' Surplus
Lines Insurance Company), and Stonewall
Insurance Company,
Plaintiffs-Respondents-Appellants,

-and-

Seaton Insurance Company (as Successor
to Unigard Mutual Insurance company)
Plaintiff,

M-5398
Index No. 601382/08

-against-

Newmont Mining Corporation,
Defendant-Appellant,

-and-

Allstate Insurance Company (as Successor
to Northbrook Indemnity Company), et al.,
Defendants-Respondents,

-and-

Certain Underwriters at Lloyd's, London,
London Market Insurance Companies, The
North River Insurance Company,
Defendants-Respondents-Respondents,

-and-

Dawn Mining Company,
Defendant,

-and-

Newmont U.S.A. Limited,
Cross-Claim Defendant-Appellant.

-----X

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 14, 2010.

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

-----x
Rodney L. Wilkerson,

Plaintiff-Respondent,

-against-

Joseph Korbl, et al.,

Defendants-Appellants.
-----x

M-5367

M-5738

Index No. 22254/06

Plaintiff-respondent having moved for an order dismissing the appeal from the order of the Supreme Court, Bronx County, entered on or about March 12, 2009,

And defendants-appellants having cross-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 cross motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, and the cross motion is granted to the extent of deeming the appeal filed for the March 2010 Term, to which Term the appeal is adjourned.

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