

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 July 1, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Rosario Sebastiano, et al.,

Plaintiffs-Respondents,

-against-

M-1852
Index No. 20936/05

New York City Transit Authority,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 13, 2010,

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

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

Ordered that the motion is denied without prejudice to respondent addressing the issue on 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 July 1, 2010.

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

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

-against-

M-2764
Ind. No. 1529/08

Carlos Cruz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 5, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 1, 2010.

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

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

-against-

M-2767
Ind. No. 897/10

Jose Letriz,
Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 29, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on July 1, 2010.

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

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

-against-

M-2768
Ind. No. 3952/03

David Maldonado,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 10, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on July 1, 2010.

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

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

-against-

M-2769
Ind. No. 1089/09

Timothy Marshall,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 19, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

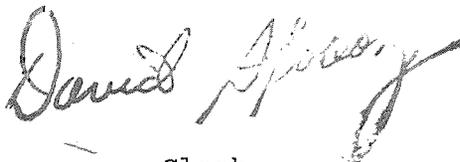
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on July 1, 2010.

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

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

-against-

M-2770
Ind. No. 1749/09

Jose Morales,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 6, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 1, 2010.

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

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

-against-

M-2771
Ind. No. 6194/08

Kenneth Powell,
Defendant-Appellant.

-----x

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

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 1, 2010.

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

-----x
The People of the State of New York,
Respondent,
-against- M-2772
Ind. No. 4167/09
Calvin Shands,
Defendant-Appellant.
-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 27, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


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 July 1, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against-

M-2390
Ind. No. 4579/00

Richard Keating,
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 April 27, 2010 denying resentencing, 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.

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 1, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

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

-against-

M-2297
Ind. No. 2904/09

Kevin Young,
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 16, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


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 July 1, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Linda P. Nash,
Plaintiff-Respondent,

-against-

M-1866
M-2312
Index No. 129074/93

The Port Authority of New York
and New Jersey,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about January 15, 2010,

And plaintiff-respondent having moved for an order declaring that the automatic stay provisions of CPLR 5519(a)(1) are inapplicable to defendant-appellant or for alternative relief (M-1866),

And defendant-appellant having cross-moved for an order declaring that the provisions of CPLR 5519(a)(1) are in effect (M-2312),

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 (M-1866) is granted to the extent of vacating any existing stay of enforcement of the aforesaid judgment. The cross motion (M-2312) 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 July 1, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
The National Black Theatre Workshop
Incorporated,

Plaintiff-Respondent,

-against-

M-2826
Index No. 105906/08

Nubian Properties LLC, et al.,

Defendants-Appellants,

Harlem Apple, LLC,

Defendant.
-----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 July 20, 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 November 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 July 1, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
The People of the State of New York
ex rel. Emmanuel Smith, also known as
Emmanuel Smith, also known as Emanuel
McAdoo,

M-2176
Index No. 401885/09

Petitioner-Appellant,

-against-

George Okada, Warden, M.D.C, et al.,

Respondents-Respondents.
-----X

Petitioner-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 28, 2009, which dismissed a habeas corpus proceeding, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is denied, without prejudice to renewal upon petitioner's submission of a notarized affidavit in compliance with CPLR 1101(a), including a statement of facts so as to ascertain the merits of contentions.

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 July 1, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of
Bernice Miranda, mother and natural
guardian of Briana Miranda, an infant
under the age of 14, to serve a late
Notice of Claim upon New York City
Health and Hospitals Corporation,

M-2035
Index No. 350194/09

Petitioner-Respondent,

-against-

New York City Health and Hospitals
Corporation,

Respondent-Appellant.
-----X

Appeals having been taken from the orders of the Supreme Court, Bronx County, entered on or about June 5, 2009 and on or about October 9, 2009, respectively,

And respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order entered on or about June 5, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals which are, sua sponte, consolidated to on or before September 7, 2010 for the November 2010 Term. Respondent is permitted to prosecute the consolidated appeals upon 10 copies of one record and of one set of appellant's points covering said appeals.

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 July 1, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Elma Bennett,

Plaintiff-Respondent,

-against-

M-2419
Index No. 301495/07

Tic-Tak Limo Corp.,

Defendant-Appellant,

Richard J. Klein,

Defendant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 19, 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 November 2010 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that respondent serves 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 July 1, 2010.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Destiny S.,

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

M-2236
Docket No. B14377/05

St. Dominic's Home, et al.,
Petitioners-Respondents,

Hilda S.,
Respondent-Appellant.

Maria Carmen Hinjosa, Esq., Lawyers
for Children,
Law Guardian for the Child.
-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about September 18, 2007,

And petitioners-respondents having moved for an order dismissing the aforesaid appeal,

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

Ordered that the motion is denied.

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 July 1, 2010.

Present: Hon. Peter Tom, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Dana Grogan, et al.,
Plaintiffs-Appellants,

-against-

M-1201
Index No. 112008/03

Gamber Corporation, doing business
as Milford Plaza Hotel, et al.,
Defendants-respondents.

-----X

Defendants-respondents having moved for an order dismissing plaintiffs-appellants' appeal taken from the order of the Supreme Court, New York County, entered on or about October 29, 2009,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected for the October 2010 Term with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondents serve a copy of this order upon the 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 July 1, 2010.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. McGuire
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
Caner Privatsiftung,

Plaintiff-Respondent,

-against-

M-2798
Index No. 101938/10

Slazer Enterprises LLC, et al.,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 21, 2010,

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

Now, upon reading and filing the papers with respect to the motion, and 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 July 1, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
The People of the State of New York
ex rel. Vernon Sharp III,

Petitioner-Appellant,

-against-

Warden,

Respondent-Respondent.
-----X

M-2221

Index Nos. 3651/08
402930/09
30166/09
1870/08

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about January 15, 2010, which dismissed a habeas corpus proceeding, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is denied, without prejudice to renewal upon petitioner's submission of a notarized affidavit in compliance with CPLR 1101(a), including a statement of facts so as to ascertain the merits of contentions.

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 July 1, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

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

-against-

M-2392
Case No. 48888C/05

Curtis Abraham,
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, rendered on or about April 22, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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


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 July 1, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

Bausch & Lomb Contact Lens Solution
Product Liability Litigation

Steering Committee for all Plaintiffs
in the New York Coordinated Proceeding,

M-2661
Index No. 766000/07

Plaintiffs-Appellants,

Bausch & Lomb Incorporated,

Defendant-Respondent.
-----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 July 15, 2009 (mot. seq. No. 010),

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 November 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 July 1, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson, Justices.

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

Respondent,

-against-

M-2650
Ind. No. 5745/07

Marvin Holmes,

Defendant-Appellant.
-----X

Defendant-appellant having moved for leave 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 June 18, 2008, 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 premature, the aforesaid appeal having not been perfected.

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 July 1, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. McGuire
Karla Moskowitz
Helen E. Freedman, Justices.

-----X
Vito Sacchetti, et al.,

Plaintiffs-Appellants,

-against-

M-2161
Index No. 301374/07

Stern Agency, Inc., et al.,

Defendants-Respondents.

-----X
(And a third-party action)

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 25, 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 November 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 July 1, 2010.

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

-----X
In the Matter of the Application of
Daniel Z. Rapoport and Richard Nadelman,
executors of the Estate of Boris Lurie,
for a determination as to the validity,
construction and effect of the Last
Will and Testament of

M-2956
Surrogate's Court
File No. 666/08

Boris Lurie,

Deceased.

- - - - -
American Friends of New Communities in
Israel, Inc., et al.,
Intervenors-Appellants,

Boris Lurie Art Foundation,
Objector-Respondent.
-----X

Appeals having been taken from the order and decree of the Surrogate's Court, New York County, entered on or about May 10, 2010,

And intervenors-appellants having moved to stay payment by the executors of funds from the subject estate to a certain beneficiary, pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is denied and the interim relief granted by order of a Justice of this Court dated June 2, 2010 is vacated.

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 July 1, 2010.

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

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

Respondent,

-against-

M-2959
Ind. No. 3676/07

Norman Cajigas,

Defendant-Appellant.
-----X

Defendant-appellant having moved for leave 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 February 21, 2008, 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:



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 July 1, 2010.

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

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

Respondent,

-against-

M-2793
Ind. No. 6425/05

Anthony Griffin, also known as Fruquan
Griffin,

Defendant-Appellant.
-----X

An order of this Court having been entered on August 18, 2009 (M-3186), inter alia, granting defendant leave 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 an 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 September 7, 2010 for the November 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:


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 July 1, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

-against-

M-2044
Ind. No. 4213/07

Adam A. Jamison,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 11, 2009 (M-2323) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 30, 2009,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:


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 July 1, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application
of Redzep Avdiu,

Petitioner-Appellant,

M-1985
Index No. 401097/08

For a Judgment, etc.,

-against-

New York City Department of
Education, et al.,

Respondents-Respondents.

-----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 May 26, 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 November 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 July 1, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

Georgia Malone & Company, Inc.,

Plaintiff-Appellant,

-against-

M-2041

Index No. 109524/08

Ralph Rieder, 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 July 27, 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 November 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 July 1, 2010.

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

-----X
In the Matter of

Naomi S.,

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

Docket No. N1637/07

Commissioner of Social Services of
the City of New York,
Petitioners-Respondents,

Hadar S.,
Respondent-Appellant.

Benjamin Berlin, Esq.,
Law Guardian for the Child.

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

Uriel S.,
Petitioner-Respondent,

M-2340
Docket No. V02692/07

-against-

Hadar S. and the Administration for
Children's Services of the City of
New York,
Respondents-Appellants.

-----X

Appeals having been taken by respondent-appellant mother from orders of the Family Court, New York County, entered on or about November 9, 2009, November 30, 2009, February 2, 2010 and February 16, 2010,

July 1, 2010

And an order of this Court having been entered on April 27, 2010 (M-343/M-1077), consolidating the aforesaid appeals and granting respondent-appellant mother poor person relief and assigning Louise Belulovich, Esq., as counsel for purposes of prosecuting the consolidated appeals,

And an appeal having been taken by respondent-appellant mother from the order of said Family Court entered on or about April 8, 2010 (Docket No. V02692/07),

And respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order entered on April 8, 2010, for the assignment of counsel and for related relief,

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

Ordered that the motion is granted to the extent of (1) amending the prior order of this Court entered on April 27, 2010 (M-343/M-1077) to include the appeal taken from the order entered on April 8, 2010, (2) consolidating all appeals, (3) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Louise Belulovich, Esq., as counsel for purposes of prosecuting the consolidated appeals; (4) 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; (5) permitting appellant to dispense with any fee(s) 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; (6) 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 July 1, 2010.

Present: Hon. David Friedman, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Christian Acevedo, an infant by his
mother and natural guardian, Marta
Acevedo, and Marta Acevedo, individually,

Plaintiffs-Respondents-Appellants, M-2256
Index No. 24153/05

-against-

The City of New York and the New York
City Department of Education,

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

Defendants-appellants-respondents having moved for an enlargement of time in which to perfect their appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 12, 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 and cross appeal to the November 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 July 1, 2010.

Present: Hon. David Friedman, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

Guowei Li,

Petitioner-Appellant,

-against-

M-2575

Index No. 110179/09

The City of New York,

Respondent-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 August 31, 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 November 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 July 1, 2010.

Present: Hon. David Friedman, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Richard Pu,

Plaintiff-Appellant,

-against-

M-2672

Index No. 602986/06

George Mitsopoulos, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about October 5, 2009 (mot. Seq. No. 006) and on or about March 25, 2010 (mot. seq. no. 009),

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

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

ENTER:


Clerk.

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-1664
Ind. No. 659/07

-against-

CERTIFICATE
DENYING LEAVE

Brett Huddleston,

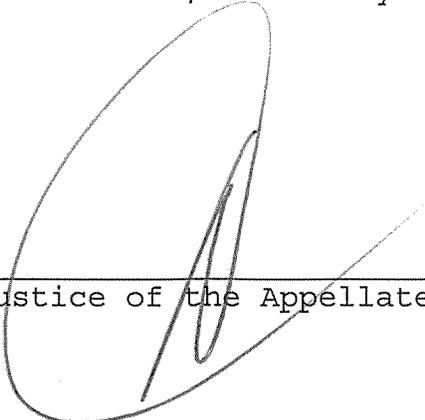
Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, (Robert M. Stolz, J.), entered December 21, 2009, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York
June 11, 2010

ENTERED JUL - 1 2010



Justice of the Appellate Division

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

BEFORE: Hon. Richard T. Andrias
Justice of the Appellate Division

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

Respondent,

-against-

Damon Cypress,

Defendant-Appellant.

-----X

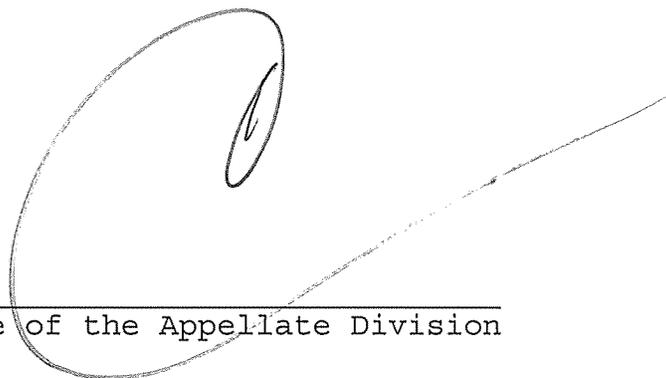
M-2710
Ind.No. 5734/07

CERTIFICATE
DENYING LEAVE

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

Dated: June 11, 2010
New York, New York

ENTERED JUL - 1 2010



Justice of the Appellate Division

*Description of order:

Supreme Court, New York County, entered on July 16, 2008,
Affirmed App.Div., 1st Dept., on January 26, 2010.

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-4937
Ind. No. 3520/96

-against-

CERTIFICATE
DENYING LEAVE

William Bryant,

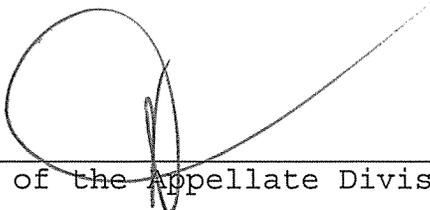
Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, Bronx County, (Michael A. Gross, J.), entered September 24, 2009, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York
June 11, 2010

ENTERED JUL - 1 2010



Justice of the Appellate Division

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

JUL 1 2010

Luis A. Gonzalez, Presiding Justice,
Peter Tom
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----x

In the Matter of Robert A. Kahn,
(admitted as Robert Abraham Kahn),
an attorney and counselor-at-law:

Departmental Disciplinary Committee M-262
for the First Judicial Department, M-1167
 Petitioner,

Robert A. Kahn,
 Respondent.

-----x

Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent, Robert A. Kahn, was admitted to the Bar of the
State of New York at a Term of the Appellate Division of the
Supreme Court for the First Judicial Department on March 21,
1960.

Alan W. Friedberg, Chief Counsel, Departmental
Disciplinary Committee, New York
(Mary Louise A. Biunno, of counsel), for petitioner.

Marvin R. Raskin, for respondent.

M-262 -- February 3, 2010

IN THE MATTER OF ROBERT A. KAHN, AN ATTORNEY

PER CURIAM

Respondent Robert A. Kahn was admitted to the practice of law by the First Judicial Department on March 21, 1960 under the name Robert Abraham Kahn. At all times relevant to this proceeding, respondent has maintained an office for the practice of law within the First Judicial Department.

This Court suspended respondent from the practice of law for six months effective April 8, 2005 for engaging in a pattern of misconduct directed at female attorneys and clients (16 AD3d 7 [2005]). On November 17, 2005, this Court reinstated respondent to the practice of law.

The Disciplinary Committee now seeks an order accepting respondent's affidavit of resignation from the practice of law pursuant to 22 NYCRR 603.11 and striking his name from the roll of attorneys and counselors-at-law in the State of New York. In his affidavit, respondent acknowledges that he is the subject of a pending disciplinary investigation into professional misconduct arising out of his conviction of a class B misdemeanor. Respondent concedes that he could not successfully defend himself on the merits against any charges the Committee might bring predicated upon the allegations of the complaint against him. He attests that he is fully aware of the implications of his request

to resign, which he submits freely, voluntarily, without coercion or duress, and after consultation with counsel.

Inasmuch as respondent's resignation satisfies the criteria of 22 NYCRR 603.11, this Court accepts respondent's resignation, and his name is stricken from the roll of attorneys, effective nunc pro tunc to January 4, 2010, the date of his affidavit of resignation, and the affidavit is hereby deemed private and confidential under Judiciary Law § 90(10) (22 NYCRR 603.11[d]). Respondent's cross motion to, inter alia, vacate the affidavit of resignation is deemed withdrawn in accordance with the correspondence dated June 10, 2010 from respondent's counsel and the further affidavit of respondent dated June 4, 2010.

All concur.

Order filed.

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

JUL 1 2010

Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
James M. Catterson
Rolando T. Acosta, Justices.

-----x

In the Matter of Steven M. Coren,
an attorney and counselor-at-law:

Departmental Disciplinary Committee
for the First Judicial Department,
Petitioner,

M-4169

Steven M. Coren,
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent, Steven M. Coren, was admitted to the Bar of the
State of New York at a Term of the Appellate Division of the
Supreme Court for the Second Judicial Department on April 5,
1978.

Alan W. Friedberg, Chief Counsel, Departmental
Disciplinary Committee, New York
(Raymond Vallejo, of counsel), for petitioner.

Sarah Diane McShea, for respondent.

M-4169

November 23, 2009

IN THE MATTER OF STEVEN M. COREN, AN ATTORNEY

PER CURIAM

Respondent Steven M. Coren was admitted to the practice of law in the State of New York by the Second Judicial Department on April 5, 1978. At all relevant times, respondent maintained an office for the practice of law within the First Department.

On March 20, 2009, respondent pleaded guilty, in the United States District Court for the Eastern District of New York, to all sixteen counts of a superceding indictment, which charged him with mail fraud, wire fraud, money laundering, conspiracy to commit money laundering and obstruction of justice (tampering with physical evidence), in violation of, respectively, 18 USC §§ 1341, 1343, 1956(a), 1956(h) and 1512(c), all federal felonies.

On or about July 13, 2009, respondent moved to dismiss the indictment for failure to state an offense and to withdraw his guilty plea; the motion was denied and on February 17, 2010, respondent was sentenced to thirty months incarceration. Respondent was convicted in connection with his and his clients' scheme to defraud the United States Government, conspiring to launder funds, and to obstruct a federal grand jury investigation by directing a client to destroy documents related to the scheme. The scheme consisted of creating the appearance that laborers

working for respondent's contractor-clients, who were awarded construction contracts by federal agencies, were being paid prevailing wages under the federal Davis-Bacon Act and New York State Labor Law § 220, et. seq. by means of creating a special trust, when, in fact, the money placed into the trust was pocketed by respondent's clients. Respondent and his clients created such an appearance by submitting false payroll information to the contracting public agencies and certifying under the penalties of perjury that they had complied with applicable prevailing wage requirements.

The Departmental Disciplinary Committee (Committee) is now seeking an order striking respondent's name from the roll of attorneys pursuant Judiciary Law § 90(4)(b) upon the ground that respondent was automatically disbarred as a result of his conviction of federal felonies that would constitute felonies if convicted under New York law (Judiciary Law §90[4][e]). Respondent opposes, arguing that the crimes for which he was convicted constitute "serious crimes" within the meaning of Judiciary Law § 90(4)(d), but denies any "essential similarities" between the applicable state and federal statutes identified by the Committee, and asks that this proceeding be converted from that of automatic disbarment to that of a "serious crime" matter. A conviction of a federal felony does not trigger automatic disbarment unless the offense would constitute a felony under New

York Penal Law (Judiciary Law § 90[4][e]; *Matter of Rosenthal*, 64 AD3d 16, 18 [2009]). The federal felony need not be a "mirror image" of the New York felony, but it must be essentially similar (*Matter of Margiotta*, 60 NY2d 147, 150 [1983]). Here, respondent's federal conviction of obstruction of justice in violation of 18 USC § 1512(c) is essentially similar to the New York felony of tampering with physical evidence. Accordingly, the Committee's petition to strike respondent's name from the roll of attorneys is granted.

Respondent's conviction for obstruction of justice in violation of 18 USC § 1512 (c) is a proper predicate for disbarment because there is "essential similarity" between that federal statute and the New York felony of tampering with physical evidence (Penal Law § 215.40[2]).

While these statutes are not "mirror images," they are essentially similar. The only significant difference is the element of force or intimidation with respect to another person in Penal Law § 215.40(2), but that language is framed in the alternative and does not necessarily apply in every proceeding.

Respondent's indictment, inter alia, contained the following language:

Steven Coren, together with others, did knowingly, intentionally and corruptly alter, destroy, mutilate and conceal records, documents, and other objects, and attempt to do so, with the intent to impair their integrity and availability for use in an official proceeding, to wit: a Federal Grand Jury Investigation

in the Eastern District of New York

* * *

30. Between November 2005 and April 2007, a duly empaneled Grand Jury in the Eastern District of New York was [] investigating Fraudulent Scheme #2. On or about January 12, 2006, the defendant Steven Coren was informed by [Cooperating Witness-3] that Corporation-3 was under investigation by a law enforcement agency and that law enforcement officials had obtained certified payrolls submitted by Corporation-3 for work it performed as a subcontractor on various state and federal projects.

31. On or about and between January 13, 2006 and February 3, 2006, the defendant Steven Cohen advised [Cooperating Witness-3] and [Cooperating Witness-4] to conceal and destroy records, documents and other objects relating to the transfer of CBT funds to labor union benefit funds.

Respondent's plea allocution with respect to this charge was as follows:

[R]egarding the count in the indictment charging obstruction of justice, I admit that on February 3, 2006, I advised Nomi Beig [his client] in response to a question he posed to me that he should destroy a computer flash drive containing documents that I advised him to remove from his office when I heard that his company was under investigation. I knew that by doing so Nomi would be destroying documents that could have been used in a Government investigation.

The above allocution, taken in conjunction with the indictment, demonstrates the "essential similarity" between the federal and state statutes. Assuming Beig was a cooperating witness, respondent could be found guilty only of attempted, rather than actual, evidence tampering. While 18 USC § 1512(c) specifically includes "attempt" language, Penal Law § 215.40 does not. Furthermore, under Penal Law § 110.05(6), an attempt to commit a crime under Penal Law § 215.40 would only be a class A

misdemeanor. Moreover, respondent's allocution only refers to his directing someone else to destroy evidence, rather than respondent himself. However, respondent was specifically charged in the indictment, and ultimately convicted for, actual evidence tampering, not attempted evidence tampering. Thus, under these circumstances the conviction under this charge is sufficient to strike respondent from the roll of attorneys (see *Matter of Deutsch*, 286 AD2d 91 [2001]).

Accordingly, the Committee's petition to strike respondent's name from the rolls should be granted effective nunc pro tunc to March 20, 2009.

All concur.

Order filed.

PM ORDERS

ENTERED

JULY 1, 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 July 1, 2010.

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

-----X
Eduard Rakhman, Sofiya Rakhman,
Isaak Roykhman, Larisa Roykhman,
and Angel Rivas,
Plaintiffs-Respondents,

-against-

M-2880
Index No. 400937/09

Alco Realty I, L.P., Alco Realty I,
Inc., Lichter Real Estate Number
Two, LLC., Lichter & Lichter, L.P.
Defendants,

One More Time Realty Corp.,
Defendant-Appellant.

-----X

Defendant-appellant One More Time Realty Corp. 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 April 5, 2010 (mot. seq. no. 003),

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

It is ordered that the motion is denied.

ENTER:



Clerk.