

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 March 4, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Eugene Nardelli
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
David G.,
Plaintiff-Appellant,

-against-

M-234
Index No. 302759/03

Rachel G.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 22, 2009 (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 enlarging the time in which to perfect the appeal to the September 2010 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Eugene Nardelli
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Guillermo Ramos,
Plaintiff,

-against-

M-463
Index No. 112856/03

The City of New York,
Defendant,

P & M Electrical Contracting Corp.,
Defendant.

-----X
The City of New York,
Third-Party Plaintiff-Respondent,

-against-

Third Party
Index No. 101426/05

P & M Electrical Contracting Corp.,
Third-Party Defendant-Respondent,

Tristar Patrol Service, Inc.,
Third-Party Defendant-Appellant.

-----X

Third-party defendant-appellant Tristar Patrol Service, Inc. having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 7, 2009 (mot. seq. no. 002),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Eugene Nardelli
Rolando T. Acosta
Nelson S. Román, Justices.

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

M-5510
M-5386

Jonathan R.,
Petitioner-Respondent,

Docket Nos. V06489-02/06F
V06489-02/07F

-against-

Jeidy C.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about November 18, 2008,

And petitioner-respondent having moved to dismiss the aforesaid appeal (M-5510),

And respondent-appellant having cross-moved to strike petitioner's aforesaid motion to dismiss, and to take judicial notice of certain facts presented in respondent's moving papers (M-5386),

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 petitioner's motion is granted and the appeal is dismissed as moot, without prejudice to proceedings de novo in Family Court. Respondent-appellant's cross motion is denied, as academic.

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 March 4, 2010.

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

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

-against-

M-33
Ind. No. 1826/08

Wendy Gabriel, also known as Wendy C.
Gabriel,

Defendant.
-----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 November 20, 2009, on the original record and typewritten briefs, 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, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Eli M. Moore, Esq., the amount and sources of funds for trial counsel's fee 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:



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 March 4, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. McGuire
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----x
Alayne Salvador,
Plaintiff-Respondent,

-against-

The New York Botanical Garden,
Defendant-Appellant,

M-286
Index No. 18014/05

-and-

Verizon New York, Inc.,
Defendant-Respondent.

-----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 December 19, 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:


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 March 4, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Karla Moskowitz
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

John Buric,
Petitioner-Appellant,

M-425
Index No. 110995/07

For a Judgment, etc.,

-against-

Raymond Kelly, as the Police
Commissioner of the City of New York,
etc., et al.,
Respondents-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 6, 2009,

And petitioner-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal,

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

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Eugene Nardelli
Sheila Abdus-Salaam, Justices.

-----x
Robert J. Troeller, etc.,

Petitioner-Respondent,

-against-

M-535
Index No. 601337/08

Joel I. Klein, etc.,

Respondent-Appellant.
-----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 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 June 2010 Term.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Eugene Nardelli
Sheila Abdus-Salaam, Justices.

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

-against-

M-467
Ind. No. 3344/07

Daniel Rodriguez,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 9, 2007, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 10 copies of his pro se supplemental brief on or before July 12, 2010 for the September 2010 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. 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 March 4, 2010.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
Union Carbide Corporation,
Plaintiff-Respondent,

M-284

-against-

Affiliated FM Insurance Company,
et al.,
Defendants,

Index No. 600804/04

Continental Casualty Company, et al.,
Defendants-Appellants.

- - - - -
Union Carbide Corporation,
Plaintiff-Respondent,

-against-

Affiliated FM Insurance Company,
et al.,
Defendants,

Index No. 600133/06

Continental Casualty Company, et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 15, 2009 (Appeal Nos. 4461, 4462),

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 this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which modified the order of the Supreme Court entered on or about May 9, 2007 (Appeal No. 4461) and reversed the order of Supreme Court entered on or about November 8, 2007 (Appeal No. 4462), respectively, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:

A handwritten signature in cursive script that reads "David Apolony". The signature is written in dark ink and is positioned above the printed name "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 March 4, 2010.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse, Justices.

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

-against-

M-527
Ind. No. 4924/07

Ermal Qoshja,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 8, 2008,

And respondent People having moved for an order enlarging the record on appeal to include defendant's written waiver, 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 and the respondent People are directed to immediately file 10 copies of said waiver with the Clerk of this Court.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

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

-----X
In the Matter of

Casey T.,

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

M-4177
Docket No. NN2661/08

Commissioner of the Administration
for Children's Services of the City
of New York,
Petitioner-Respondent,

Marisol T.,
Respondent-Appellant.

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

-----X
Respondent-appellant mother Marisol T. having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on consent of all parties on or about June 22, 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, without prejudice to a future application for the same relief upon appeal from a future order of disposition by which respondent is aggrieved.

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 March 4, 2010.

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

-----X
In the Matter of

Jaylin E.,

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

M-366
Docket No. NN504/09

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

Jessica G.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about November 16, 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, John J. Marafino, Esq., 9 West Prospect Ave., Mount Vernon, NY 10550, Telephone No. (914) 663-1500, as counsel for purposes of prosecuting the appeal;

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

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----x
CVL Real Estate Holdings Co. LLC,

Plaintiff/Judgment Creditor-Respondent,

-against-

M-509
Index No. 602868/07

Eli Weinstein,

Defendant/Judgment Debtor-Appellant.
-----x

Defendant/judgment debtor-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 30, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2010 Term, with no further enlargements to be granted.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Helen E. Freedman
Nelson S. Román, Justices.

-----X
In the Matter of

Reginald W.,

M-471

Docket No. D21768/08

A Person Alleged to be a Juvenile
Delinquent,

Respondent-Appellant.
-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about November 25, 2008, and said appeal having been perfected,

And presentment agency The City having moved for dismissal of the appeal or for alternative 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 and the appeal is dismissed, as academic.

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 March 4, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Helen E. Freedman
Nelson S. Román, Justices.

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

Rebecca Perl,

Petitioner-Appellant,

M-247
Index No. 500006/06

Pursuant to Article 81 of the Mental Hygiene Law for the Appointment of a Guardian of the Property of

Shari Perl, also known as Shari Perl Herman, an Alleged Incapacitated Person,

Respondent-Respondent,

Martin Evans,

Guardian-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 27, 2009 (mot. seq. no. 006),

And guardian-respondent having moved to dismiss the aforesaid appeal,

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

Ordered that the motion is denied.

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 March 4, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Helen E. Freedman
Nelson S. Román, Justices.

-----X
In the Matter of

Bryant J., Jr.,

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

Edwin Gould Services for Children
and Families,
Petitioner-Respondent,

M-432
Docket No. B49/07

Bryant J., Sr.,
Respondent-Appellant.

Myra Elgabry, Esq., Lawyers for
Children,
Law Guardian for the Child.

-----X

Petitioner-respondent having moved for an order dismissing respondent-appellant's appeal taken from the order of the Family Court, New York County, entered on or about July 29, 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 unless the appeal is perfected on or before March 22, 2010 for the June 2010 Term. 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 March 4, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Rose E. Kuchinsky,
Plaintiff-Appellant,

-against-

M-500
Index No. 114266/06

Pfizer Inc.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 22, 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 September 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Mark Ozdoba,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-473
Index No. 110566/08

Chelsea Landmark LIC, LLC, 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 March 30, 2009,

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

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

-----X
Tadco Construction Corp. and Frank
DeMartino,
Plaintiffs-Appellants,

-and-

D & D Mason Contractors, Inc. and
Thomas DeMartino,
Plaintiffs,

M-381
Index No. 602749/07

-against-

Centennial Insurance Company,
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 October 10, 2008 (mot. seq. no. 002),

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

It is ordered that the motion is denied and, sua sponte, the appeal is dismissed.

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 March 4, 2010.

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

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

-against-

M-255
Ind. No. 45/00

Aureo Torres,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the order of the Supreme Court, New York County (Charles Solomon, J.), entered on or about December 1, 2009, 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 to the extent of deeming the notice of appeal timely filed, and permitting said 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, and it is further

Ordered that the Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Solomon as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 March 4, 2010.

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

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

Reginald A.,
Petitioner-Respondent,

M-299
Docket Nos. V6180/07
V12730/07/08

-against-

Lottice A.,
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 November 17, 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, Carol Lipton, Esq., 800 Greenwood Avenue, #3L, Brooklyn, NY 11218, Telephone No. (718) 436-5359, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

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

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

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

-----X
In the Matter of

Joaquin Enrique C., III,

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

M-362
Docket No. B12093/08

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

Anna Julia F., also known as Ana F.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother 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 27, 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, 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 therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

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

-----X
Isidro Abascal,

Plaintiff-Appellant,

-against-

City of New York,

Defendant-Respondent.
-----X

M-271
Index No. 401171/06

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 13, 2009 (mot. seq. no. 004), and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied, with leave to renew upon submission of a copy of the memorandum decision dated August 9, 2009.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

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

-----X
Charlie Ascencio, by his father and
natural guardian Benjamin Ascencio,
Plaintiff-Respondent,

-against-

New York City Housing Authority,
Defendant-Appellant.

M-345
Index No. 15344/06

-----X
New York City Housing Authority,
Third-Party Plaintiff,

-against-

City of New York,
Third-Party Defendant.

-----X

Municipal defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about November 10, 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:


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 March 4, 2010.

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

-----X
Thomas A. Ofori and Gerardo M.
Velez,
Plaintiffs-Respondents,

-against-

M-249
Index No. 17834/07

Creishea P. Green and Shawn O.
Gowie,
Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about December 30, 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 on or before March 22, 2010 for the June 2010 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

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

-----X
Diontech Consulting Inc.,
Plaintiff-Appellant,

-against-

M-274
Index No. 600321/08

New York City Housing Authority,
PMS Construction Management Corp.,
and ABC Corp., a fictitious name
for the entity that provided a
surety payment bond on the subject
construction project,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about March 18, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2010 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

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

-----X
GRM Information Management
Services,
Plaintiff-Appellant,

-against-

M-367
Index No. 102277/08

ABC, Inc.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about March 18, 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 on or before July 12, 2010 for the September 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

Present: Hon.- David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Carmine N. Pagano, etc.,

Plaintiff-Appellant,

-against-

M-265
Index No. 108018/03

Pasquale J. Malpeso, M.D., et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 9, 2009,

And plaintiff-appellant having moved for an order vacating all orders of Supreme Court from the time this action was restored to active status in Supreme Court in February 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 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 March 4, 2010.

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

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

Miguel R.,
Petitioner-Respondent,

M-5804
Docket No. V-01465/08

-against-

Wilda C.,
Respondent-Appellant.

-----x
Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about March 23, 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 attorneys for respondent-appellant and 10 copies thereof are to be filed with this Court, and (2) assigning, pursuant to Section 18b of the County Law and § 1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, New York 10538, Telephone No. 914-834-3053, as counsel for purposes of responding to 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 March 4, 2010.

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

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

-against-

M-384
Ind. No. 2962/06

Elvin Munoz,
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 April 7, 2009, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

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

ENTER:



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 March 4, 2010.

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

-----x
Accounting of the Public Administrator
of the County of New York as
Administrator c.t.a. of the Estate of

Abraham Rad, also known as
Abraham Farin Rad,
Deceased,

M-294
File No. 1737/1992

Nahid Rad,
Objector-Appellant.

-----x
Objector-appellant having moved for a further enlargement of time in which to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about October 30, 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 denied as moot, the appeal having been perfected for the April 2010 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Sheila Leffler and Raymond Leffler,
Plaintiffs-Appellants,

-against-

M-466
Index No. 6458/03

Michael Feld, M.D.,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about February 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 to the extent of enlarging the time in which to perfect the appeal to the June 2010 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
John T. Buckley
James M. Catterson
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Janet Chang, etc.,
Plaintiff-Appellant,

M-114

-against-

Index No. 406575/07

Michael G. Zapson,
Defendant-Respondent,

David Galanter,
Defendant.

Golden City Commercial Bank,
Plaintiff,

-against-

207 Second Avenue Realty Corp.,
Defendant-Appellant,

Index No. 104319/93

Wilson Wei Chang,
Defendant,

Michael G. Zapson,
Non-Party Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 5, 2009 (Appeal Nos. 1369, 1370),

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. (See M-311 decided simultaneously herewith).

ENTER:

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 4, 2010.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
John T. Buckley
James M. Catterson
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Janet Chang, etc.,
Plaintiff-Appellant,

M-311

-against-

Index No. 406575/07

Michael G. Zapson,
Defendant-Respondent,

David Galanter,
Defendant.

Golden City Commercial Bank,
Plaintiff,

-against-

207 Second Avenue Realty Corp.,
Defendant-Appellant,

Index No. 104319/93

Wilson Wei Chang,
Defendant,

Michael G. Zapson,
Non-Party Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 5, 2009 (Appeal Nos. 1369/1370),

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. (See M-114 decided simultaneously herewith).

ENTER

David Apol...
Clerk.

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

BEFORE: Hon. Nelson S. Román
Justice of the Appellate Division

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

M-134
Ind. No. 106/07

-against-

CERTIFICATE
DENYING LEAVE

Reginald Pearson,

Defendant.

-----X

I, Nelson S. Román, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, rendered on or about December 17, 2009 is hereby denied.



Associate Justice

Dated:
New York, New York

ENTERED: **MAR 04 2010**

PM ORDERS

ENTERED

MARCH 2, 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 March 2, 2010.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Eugene Nardelli
Sheila Abdus-Salaam, Justices.

-----X
Robert M. Morgenthau, District Attorney
of New York County,
Plaintiff/Claiming Authority-Respondent,

-against-

M-597
Index No. 401883/09

Riad Khalil, also known as Steve Khalil,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 8, 2010,

And defendant-appellant having moved for a preference in the hearing of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated February 25, 2010, and due deliberation having been had thereon, it is

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

ENTER:



Clerk.