

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 30, 2010.

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

-----X
Onofra Fernandez, Maglis Mota,
individually and as mother and
natural guardian of Gilbert
Jimenez,
Plaintiffs-Appellants,,

-against-

M-1423X
Index No. 18689/06

Joris Limo, Inc., Andres Aquino
and Darray Stan Kennedy,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 9, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 17, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 2010.

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

-----X
Pierre Coello,
Plaintiff-Respondent,

-against-

M-1424X
Index No. 22277/06

JJLH, Inc. and Manuel Hernandez,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 13, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 17, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 2010.

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

-----X
In the Matter of the Application of
Peter G. Milazzo,
Petitioner-Appellant,

M-1451
Index No. 603804/07

For the Judicial Dissolution of
SMS Industries, Inc.,

-against-

Leslie Hamerschlag,
Respondent-Respondent.

-----X

An appeal and cross appeal having been taken from of the judgment of the Supreme Court, New York County, entered on or about January 13, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated March 17, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire
Sheila Abdus-Salaam, Justices.

-----X
Melissa Feldman, as Administratrix of
the Estate of Lori Feldman, Deceased,

Plaintiff-Appellant,

-against-

M-860

Index No. 103962/07

Susan M. Levine, M.D.,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about May 13, 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 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 30, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Application of
Richard Padilla,

Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-851
Index No. 400230/08

Raymond Kelly, Police Commissioner
New York City Police Department,

Respondent-Respondent.
-----X

Petitioner-appellant having renewed the motion for leave to prosecute, as a poor person, the appeal from the order and judgement (one paper) of the Supreme Court, New York County, entered on or about November 25, 2008, 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 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 30, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire, Justices.

-----X
Columbus 95th Street, LLC,
Petitioner-Appellant,

-against-

M-738
Index No. 113148/07

New York State Division of Housing
and Community Renewal,
Respondent-Respondent,

Columbus House Tenants Association,
et al.,
Intervenors-Respondents-
Respondents,

The Attorney General of the State of
New York,
Statutory Intervenor-Respondent-
Respondent.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 4, 2009,

And petitioner-appellant having moved to stay enforcement of the aforesaid order and judgment (one paper) and all administrative hearings with respect thereto, 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,

March 30, 2010

It is ordered that the motion is granted to the extent of staying all proceedings with respect to rent adjustment at issue in appellant's petition, and at issue in *Matter of Highbridge House Ogden, et al. v DHCR*, N.Y. Co. Index No. 100845/08, on condition that the appeal is perfected on or before July 12, 2010 for the September 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent(s) serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire
Sheila Abdus-Salaam, Justices.

-----X
Rowena Cheung, individually and on
the part and behalf of Barroness
Accessories LLC, a New York Limited
Liability Company,
Plaintiff-Appellant,

-against-

M-1092
Index No. 601232/09

Uncommon Foundry Inc., Sunrise
Studio Inc., Peter W. Chan,
Moon Yee Lau, Shang Ching Huang,
also known as Terri Huang and
Kenneth Chow,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 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 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 30, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire, Justices.

-----X
In the Matter of the Application of
Barbara Meacham, As Administratrix
for the Estate of Lana Meacham,
Deceased, and Barbara Meacham,
Individually,

M-861
Index No. 103229/09

Petitioner-Appellant,

For an Order, etc.,

-against-

New York City Health and Hospitals
Corporation,

Respondent-Respondent.
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about April 14, 2009,

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

It is ordered that the motion is 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 30, 2010.

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

-----X

Elizabeth Ann S.,
Petitioner,

-against-

M-991

Gregory Sean K.,
Defendant.

-----X

Petitioner having moved for a change of venue of the proceedings in the above-entitled action, 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 dismissed based on lack of jurisdiction, any appeal from an order of the Family Court, Onondaga County being more properly brought in the Appellate Division for the Fourth Judicial Department.

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 30, 2010.

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

-----X
Holly Schepisi, et al.,

Plaintiffs-Respondents,

-against-

M-955
Index No. 650344/08

Todd Roberts, et al.,

Defendants-Appellants.
-----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 June 30, 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 with no further enlargements to be granted. The appeal must be perfected even if the trial Court has not ruled on the pending motion. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that plaintiffs-respondents serve a copy of this order upon defendants-appellants within 10 days after the date of entry hereof.

ENTER:


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 30, 2010.

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

-----X

In the Matter of the Application of

Michelle Cunningham,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

M-890
Index No. 107447/07

-against-

State of New York Higher Education
Services Corporation,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 16, 2008 (mot. seq. no. 004),

And petitioner having moved for an enlargement of time in which to perfect the aforesaid proceeding, and for a stay of wage garnishment,

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 appellant's time in which to perfect the proceeding to on or before July 12, 2010 for the September 2010 Term, and the motion is otherwise denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Eugene Nardelli
Dianne T. Renwick, Justices.

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

-against-

M-833
Ind. No. 3129/03

John Mingo,
Defendant-Appellant.

-----X
An order of a Justice of this Court having been entered on September 8, 2009 (M-4488) granting defendant leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about August 4, 2008, and an order of this Court having been simultaneously entered on September 8, 2009 (M-4488A), granting defendant poor person relief and the assignment of counsel with respect to the aforesaid appeal,

And defendant having moved pro se for an extension of time in which to file a notice of appeal from the aforesaid order of this Court,

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

Ordered that the motion is granted to the extent of deeming the notice of appeal filed, and assigned counsel is directed to expeditiously perfect the appeal herein.

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 30, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Eugene Nardelli
Dianne T. Renwick, Justices.

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

-against-

M-828
Ind. No. 8879/99

JoJo Jourdan, also known as Ellis
Jones,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about May 28, 2009, for leave to prosecute the appeal as a poor person 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 deeming the moving papers as a timely filed notice of appeal 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 **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.

CORRECTED ORDER — May 6, 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 30, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Eugene Nardelli
Dianne T. Renwick, Justices.

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

- - - - -
Richard W., M-858
Petitioner-Appellant, Docket No. V02583-09

-against-

Maribel G.,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about December 18, 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 Avenue, Suite 409, Mt. 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

CORRECTED ORDER — May 6, 2010

(M-858)

-2-

March 30, 2010

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:

A handwritten signature in black ink that reads "David Apolony". The signature is written in a cursive, flowing style.

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 30, 2010.

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

-----X
Petra Cre CDO 2007-1, Ltd., By and
Through Petra Capital Servicer LLC,
as Special Servicer,
Plaintiff-Respondent,

-against-

M-960
Index No. 600701/09

Street Smart Realty LLC, doing business
as Street Smart Realty of NY,
Defendant-Appellant,

Eliot Spitzer, also known as
Eliyaho Spitzer, et al.,
Defendants,

Yuppie Puppy Peter Tom Care, Inc.,
et al.,
Defendants.

-----X

Defendant Street Smart Realty LLC, doing business as Street Smart Realty of NY 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 February 11, 2010,

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 30, 2010.

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

-----X
In the Matter of the Application for
the Guardianship and Custody of

Phajja Jada S.,

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

Episcopal Social Services, et al.,
Petitioners-Respondents,

M-676
Docket No. B6782/08

Curtis W.,
Respondent-Appellant.

Heather Saslowvsky, Esq., The Legal Aid
Society, Juvenile Rights Division,
Law Guardian for the Child.

-----X
Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about December 14, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief.

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 631-313-1951, 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) appellant is directed 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 30, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

-against-

M-553
Ind. No. 928/08

Eric Herbert Bowman,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 20, 2008 (M-4967), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 16, 2008, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 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, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, 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 March 30, 2010.

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

-----X
In the Matter of the Application for
the Guardianship and Custody of

Anaya Michelle L.,

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

Leake and Watts Services, Inc., et al.,
Petitioners-Respondents,

M-623
Docket No. B513/08

Ronald Shamel L.,
Respondent-Appellant.

Ava G. Gutfried, Esq.,
Law Guardian for the Child.

-----X
Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about January 5, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Michael S. Bromberg, Esq., 44 Hampton Street, Box 2112, Sag Harbor, New York 11963, Telephone No. 631-725-0641, 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) appellant is directed 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 30, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

Kimberly Thompson,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

M-841
M-934
Index No. 402573/08

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about February 6, 2009 (mot. seq. no. 001),

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for an enlargement of time in which to perfect the proceeding (M-841),

And respondent having cross-moved for dismissal of the aforesaid proceeding (M-934),

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 respondent's cross motion is granted and the proceeding is dismissed. Petitioner's 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 30, 2010.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
In the Matter of the Application for
the Guardianship and Custody of

Jayden C., also known as
R., Jayden

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

Community Counseling and Mediation,
Petitioner-Respondent,

M-728
Docket No. B00610/09

Edwin C.,
Respondent-Appellant.

Kristen Kimmel, Esq., Lawyers for
Children,
Law Guardian for the Child.

-----X
Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about November 30, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 385 Warburton Avenue, Hastings on Hudson, New York 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) appellant is directed 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 30, 2010.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
In the Matter of

Jasmine Courtney C., also known as
C., Jasmine; Prince Zacharia C.,

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

M-698

M-709

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

Docket Nos. B-13537/08
B-13538/08

Sonia J.,
Respondent-Appellant.

Steven Banks,
Law Guardian for the Children.

-----X

Respondent-appellant mother having moved by separate motions for leave to prosecute, as a poor person, the appeals from the orders of the Family Court, New York County, both entered on or about December 10, 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 motions, and due deliberation having been had thereon, it is

Ordered that the motions are granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Richard L. Herzfeld, Esq., 555 Fifth Avenue 14th Floor, New York, NY 10017, Telephone No. (212) 818-9019, as counsel for purposes of prosecuting the appeals;
(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 these 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 March 30, 2010.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

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

Esther H., M-678
Petitioner-Respondent, Docket No. O-014355/08

-against-

Eddie H.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to defend, as a poor person, the appeal taken from an order of the Family Court, New York County, entered on or about October 13, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth Walsh, Esq., 67 Wall Street, 22nd Floor, New York, NY 10005, Telephone No. (212) 709-8342, as counsel for purposes of defending the appeal.

ENTER:

David Apolony
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 30, 2010.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Helen E. Freedman
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

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

-against-

M-793
Ind. No. 4837/08

Richard Ryant,
Defendant-Appellant.

-----X

An order of this Court having been entered on May 12, 2009 (M-1815), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 25, 2009, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 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 March 30, 2010.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X
Jonathan R. Steinberg,
Plaintiff-Appellant,

-against-

M-1018
Index No. 114728/99

Queens Import Motors, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 11, 2010 (mot. seq. no. 012),

And plaintiff-appellant having moved to stay enforcement of the award of counsel fees pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 30, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
David Friedman
James M. Catterson
Sheila Abdus-Salaam, Justices.

-----X
Estate of Philip Mandelbaum,
Petitioner-Appellant,

-against-

M-1339
Index No. 601050/08

Five Ivy Corp.,
Respondent-Respondent.

-----X

Counsel for petitioner-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 23, 2009, 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 staying trial pending hearing and determination of the aforesaid 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 30, 2010.

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

-----X
Laura Govan,

Plaintiff-Appellant,

-against-

M-389

Index No. 14666/94

FT. Sheri Realty Co.,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 16, 2008,

And an order of this Court having been entered on May 12, 2009 (M-1673), inter alia, granting a stay of trial on condition plaintiff's appeal is perfected for the September 2009 Term,

And plaintiff-appellant having moved for leave to prosecute, as a poor person, the aforesaid appeal, for the assignment of counsel, and for an enlargement of time in which to perfect said 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, to the extent it seeks an enlargement of time in which to perfect the appeal is denied, and sua sponte, the appeal is dismissed, and the stay granted by the order of this Court entered on May 12, 2009 (M-1673) is vacated. So much of the motion which seeks poor person relief 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 30, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
David Friedman
Sheila Abdus-Salaam, Justices.

-----X
Osqugama F. Swezey,
Petitioner-Respondent,

-against-

Merrill Lynch, Pierce, Fenner & Smith
Incorporated,
Respondent,

M-1243
Index No. 104734/09

-and-

Philippine National Bank and
Arelma, Inc.,
Intervenors-Appellants.

-----X
An appeal having been taken to this Court by the above-named intervenors from the judgment of the Supreme Court, New York County, entered on or about November 16, 2009,

And the Philippine Human Rights Groups having moved for leave to serve and file a brief amicus curiae in connection with 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 and movants are directed to immediately serve and file nine copies of the brief amicus curiae submitted with the moving papers.

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 30, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

- - - - -
Namissa D., M-5175
Petitioner-Respondent, M-138
Docket Nos. 008204/08
008204/08

-against-

Al Hassana K.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about August 20, 2009,

And an order of this Court having been entered on October 27, 2009 (M-4172), denying respondent-appellant's motion for poor person relief, with leave to renew upon certain conditions,

And respondent-appellant having renewed his motion for leave to prosecute, as a poor person, the aforesaid appeal, for the assignment of counsel, and for related relief (M-5175),

And petitioner-respondent having moved for leave to respond, as a poor person, to the aforesaid appeal, for the assignment of counsel, and for related relief (M-138),

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

It is ordered that respondent's motion (M-5175) is denied. Petitioner's motion (M-138) is denied, with leave to renew if and when an appeal is perfected by respondent-appellant.

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 30, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X

Fabian Obispo,

Plaintiff-Appellant,

-against-

M-925

Index No. 100761/08

423 Madison Avenue L.L.C., 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 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 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 30, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

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

-against-

M-953
Ind. No. 1485/06

Carlos Chavez,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 4, 2010 (M-87), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 18, 2009, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 striking the designation of assigned counsel Richard M. Greenberg, 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 March 30, 2010.

PRSENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

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

Mohamed D.,
Petitioner-Appellant,

M-673
Docket Nos. V-2526-8/07
V-10474/08

-against-

Hawa D.,
Respondent-Respondent.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about January 7, 2010, 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, Seth M. Kaufman, Esq., 61 Broadway, Suite 2125, New York, NY 10006, Telephone No. (646) 249-4416, 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:

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.

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 30, 2010.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

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

-against-

M-453
Ind. No. 4065/06

Carlos M. Rosario,
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, Bronx County, rendered on or about July 17, 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 moving papers a timely filed notice of appeal, 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 30, 2010.

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

-----X
Joan McInerney,
Plaintiff-Respondent,

-against-

M-760
File No. 2243/08

Michael J. McInerney,
Respondent-Appellant..

-----X

Respondent-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Surrogate's Court, Bronx County, dated July 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 and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:


Clerk

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M- 49
Ind. No.1116/77

-against-

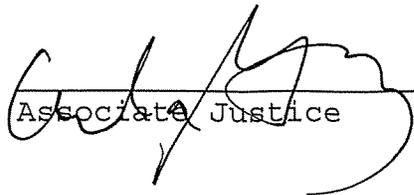
CERTIFICATE
DENYING LEAVE

Dexter Washington,

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for a certificate deemed to be pursuant to CPL 440.10[1], and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about October 22, 2009, is hereby denied.


Associate Justice

Dated: , 2009
New York, New York

ENTERED: **MAR 30 2010**

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M- 653
Ind. No. 2058/2009

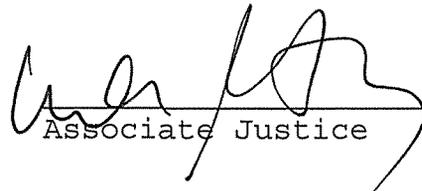
-against-

CERTIFICATE
DENYING LEAVE

Darryl Harris

Defendant.
-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application 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 that ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 18, 2009, is hereby denied.



Associate Justice

Dated: _____, 2009
New York, New York

ENTERED: **MAR 30 2010**

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

-----x

M - 1474

The People of the State of New York,

Respondent,

Doc. No. 19145C/2006

-against-

CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Allen Mack,

Defendant-Appellant.

-----x

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

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


Justice of the Appellate Division

Dated: March 22, 2010
New York, New York

ENTERED: MAR 30 2010

*Description of Order:

Criminal Court, Bronx County, entered on August 16, 2006.
App. Div., First Dept., Appeal No. 5316, revd on February 23,
2010, 70 AD3d 555 [2010].

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

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

M - 617
Ind. No. 1341/1991

-against-

CERTIFICATE
DENYING LEAVE

Genaro Campos,

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application 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 being no question of law or fact to be reviewed by the Appellate Division, First Judicial Department, permission to appeal from the order of the Supreme Court, Bronx County, entered on or about December 21, 2009, is hereby denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: March 22, 2010
New York, New York

ENTERED: MAR 30 2010

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-627
Ind. No. 3931/85

-against-

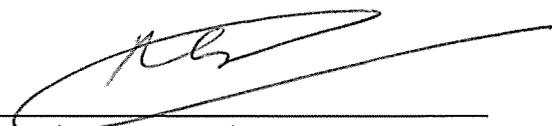
CERTIFICATE
DENYING LEAVE

Alexander Dockery,

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 16, 2009 is hereby denied.



Associate Justice

Dated:
New York, New York

ENTERED: **MAR 30 2010**

PM ORDERS

ENTERED

MARCH 25, 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 25, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

Ralph W. Kern, et al.,

Petitioners-Respondents,

-against-

M-806

Index No. 107144/09

Excelsior 57th Corp., LLC,

Respondent-Appellant.

-----X

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

ENTER:



Clerk.