

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 May 18, 2010.

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

-----X  
ERC 16W Limited Partnership,  
Plaintiff-Appellant,

-against-

M-1833X  
Index No. 600870/09

Xanadu Mezz Holdings LLC,  
Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 10, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 7, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 18, 2010.

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

-----X  
Julio E. Roman,  
Plaintiff-Respondent,

-against-

M-1834X  
Index No. 310118/08

Utz Quality Foods, Inc., and Penske Truck  
Leasing Co.,  
Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 28, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 7, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 18, 2010.

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

-----X  
Courtney Associates, a New York Partnership,  
Plaintiff-Respondent,

-against-

M-1835X  
Index No. 102815/06

50 West 15<sup>th</sup> LLC, Alchemy Properties, Inc.,  
Kenneth Stuart Horn, Redhook Construction  
Group-I, LLC, Serverud Associates Consulting  
Engineers, P.C., FxFowle, P.C.,  
Defendants,

GZA GEO Environmental Inc.,  
Defendant-Appellant.

-----X  
GZA GEO Environmental Inc.,  
Third-Party Plaintiff-Appellant,

-against-

Third-Party  
Index No. 590858/08

Donmar Contracting Corporation,  
Third-Party Defendant-Respondent.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 8, 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 May 18, 2010.

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

-----X  
John Dooling and Stacy Dooling,  
Plaintiffs-Respondents,

-against-

M-1854  
Index No. 112269/99

NTX Interiors, Inc.,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 16, 2009 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, filed April 8, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2010 Term, 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 May 18, 2010.

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

-----X  
Melissa Devivo,  
Plaintiff,

-against-

Samson A. Adeyemo,  
Defendant,

M-1282  
Index No. 402080/05

The City of New York,  
Defendant-Respondent,

Apollo Theater Foundation, Inc.  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 25, 2010 (Appeal No. 2231),

Now, upon reading and filing the communication dated March 18, 2010 from counsel for defendant-appellant Apollo Theater Foundation, Inc., and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

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 May 18, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Eugene Nardelli  
James M. McGuire  
Karla Moskowitz, Justices.

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

-against-

M-1426  
Ind. No. 3075/80

David Price,

Defendant.  
-----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 November 21, 1980, 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 denied. (CPL 460.30 subd 1)

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 May 18, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
Eugene Nardelli  
James M. Catterson, Justices.

-----x  
Ingrid Guzman,

Plaintiff-Appellant,

-against-

M-682  
Index No. 18788/07

DeJesus Santana, et al.,

Defendants-Respondents.  
-----x

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about March 16, 2009, for failure to timely prosecute,

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

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

ENTER:

  
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 May 18, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
Eugene Nardelli  
James M. Catterson, Justices.

-----X  
Lindsay Sampson,

Plaintiff-Appellant,

-against-

M-1246  
Index No. 103129/03

Fred D. Cushner, M.D. and Beth Israel  
Medical Center,

Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 10, 2009,

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

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

ENTER:

  
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 May 18, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
Eugene Nardelli  
James M. Catterson, Justices.

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

Respondent,

-against-

M-1269  
Ind. No. 4265/07

Abraham Conde,

Defendant-Appellant.  
-----x

Respondent having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 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 and 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 May 18, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
Eugene Nardelli  
James M. Catterson, Justices.

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

Respondent,

-against-

M-1270  
Ind. No. 3505/05

Israel E. Conela, also known as  
Israel Conela,

Defendant-Appellant.  
-----X

Respondent having moved for dismissal of defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about December 1, 2005,

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

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

ENTER:

  
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 May 18, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
Eugene Nardelli  
James M. Catterson, Justices.

-----x  
In the Matter of the Guardianship of  
the Person and Custody of

William C.J. B., also known as  
William B.,

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

M-1360  
Docket No. B-6943/08

- - - - -  
Family Support Systems Unlimited, Inc.,  
et al.,  
Petitioners-Respondents,

Kenneth B.,  
Respondent-Appellant.

- - - - -  
Steven Banks, Esq., The Legal Aid  
Society, Juvenile Rights Division,  
Law Guardian for the Child.

-----x  
Petitioner-respondent agency having moved for dismissal of the appeal from the order of the Family Court, New York County, entered on or about April 29, 2009,

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

It is ordered that the motion is granted and 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 May 18, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
Eugene Nardelli  
James M. Catterson, Justices.

-----x  
Myra Green,

Plaintiff-Appellant,

-against-

M-1467  
Index No. 105431/08

Roosevelt Hospital (formerly) also  
known as St. Luke's Roosevelt Hospital,  
The Manhattan Pain Management,

Defendant-Respondent.  
-----x

Defendant-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about May 5, 2009 (mot. seq. no. 001),

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

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

ENTER:

  
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 May 18, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
Eugene Nardelli  
James M. Catterson, Justices.

-----X  
In the Matter of

Phajia Jada S., also known as  
Jada S., also known as Phajji S.,

M-1336  
Docket No. B6782/08

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

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

Toenor Ann S., also known as  
Toenor S.,  
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 an order of the Family Court, New York County, entered on or about October 7, 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, Lisa H. Blitman, Esq., 225 Broadway, Suite 1203, New York, NY 10007, Telephone No. (212) 724-2792, 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 therefor<sup>1</sup> 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.

---

<sup>1</sup>Service 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 May 18, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

-against-

M-1046  
Ind. Nos. 9473/94

Arthur Blake, also known as Robert Johnson, also known as Ronald Boyd, also known as Steven Banks, also known as John Tucker, also known as Robert Fields, also known as Robert Barrett, also known as Robert Reid,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 19, 2009 (Appeal No. 1511), unanimously affirming a judgment of the Supreme Court, New York County (Rena K. Uviller, J.), rendered on March 12, 2008,

And orders of a Justice of this Court (Andrias, J.) having been entered June 25, 2009 (M-2374) and October 22, 2009 (M-3718), denying defendant leave to appeal to this Court from the order of the Supreme Court, New York County, entered on March 12, 2008 (M-2374) and denial of reargument thereof (M-3718),

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel with respect to the aforesaid orders of this Court, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant-appellant dated March 29, 2010, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:

*David Apokony*  
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 May 18, 2010.

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

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

-against-

M-1427  
Ind. No. 1073/08

Jerry Smith,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 11, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 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 May 18, 2010.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzaelli  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse, Justices.

-----X  
Sarit Shmueli,  
Plaintiff-Appellant,

-against-

M-1374  
Index No. 104824/03

NRT New York, Inc., doing business as  
The Corcoran Group,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 2, 2009,

And plaintiff having moved for an order enlarging the record on appeal and for other relief,

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

It is ordered that the motion is denied.

Sua sponte, to the extent that appellant can demonstrate, by sworn affidavit(s) of Court personnel, that the hearing transcripts and enumerated exhibits are missing from the Court file, appellant may immediately move this Court for an order allowing the reconstruction of so much of the file deemed missing by substitution of copies thereof maintained by plaintiff.

Appellant's time in which to perfect the appeal is enlarged to on or before July 22, 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 May 18, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
William D. Rotblut and Lois B. Rotblut,

Plaintiffs-Appellants,

-against-

M-1520  
Index No. 602854/07

150 East 77<sup>th</sup> Street Corp.,

Defendant-Respondent.  
-----X

Plaintiff-appellant William D. Rotblut 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 17, 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 in the County of New York on May 18, 2010.

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

-----X  
Michael J. Roberts, as Receiver of  
Rents of 274 West 86<sup>th</sup> Street, New York,  
New York,  
Plaintiff-Respondent,

M-2347  
Index No. 116823/09

-against-

Yuppie Puppy Pet Care, Inc., and Yuppie  
Puppy Pet Products, Inc.,  
Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 26, 2010,

And defendants-appellants having moved to stay further proceedings herein including the payment of use and occupancy pending hearing and determination of the appeal,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 18, 2010.

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

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

-against-

M-1482  
Ind. No. 395/08

Shamar Ross, also known as Brown  
Garrick,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 8, 2009,

And defendant having renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is 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, Patrick A.H. Watts, 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 May 18, 2010.

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

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

-against-

M-1606  
Ind. No. 509/08

Leonel Perez,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 30, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 18, 2010.

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

-----X  
Yuppie Puppy Pet Products, Inc. and  
Yuppie Puppy Pet Care Inc.,  
Plaintiffs-Respondents,

-against-

M-2352  
Index No. 601450/08

Street Smart Realty, LLC and  
E & S Development and Properties, LLC,  
Defendants,

Petra Mortgage Capital Corp., Petra Fund  
REIT Corp., and Petra CRE CDO 2007-1 Ltd.,  
Proposed Intervenors-Appellants.

-----X

An appeal having been taken by proposed intervenors-appellants, from the order of the Supreme Court, New York County, entered on or about December 4, 2008,

And plaintiffs-respondents having moved for an order striking the brief filed by Street Smart Realty, LLC and E & S Development and Properties, LLC, and for the imposition of costs and sanctions,

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 brief of defendants Street Smart Realty, LLC and E & S Development and Properties, LLC. 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 May 18, 2010.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,  
James M. McGuire  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-2309  
Ind. No. 3378/07

Ariel Enriquez, also known as Ariel  
Henriquez,

Defendant-Appellant.  
-----X

An order of this Court having been entered on January 5, 2010 (M-5577), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 2, 2009,

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

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before August 9, 2010 for the October 2010 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 18, 2010.

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

-----X  
Dr. Mac Truong,  
Plaintiff-Appellant,

-against-

Alphonse Hotel Corporation, et al.,  
Defendants-Respondents,

Sang Kim Nguyen, et al.,  
Defendants.

M-1275  
M-1537  
Index No. 101405/09

-----X

Separate appeals having been taken to this Court by plaintiff from the orders of the Supreme Court, New York County, entered on or about April 20, 2009 (mot. seq. no. 003) and February 3, 2010 (mot. seq. nos. 004, 005, 006, 007), respectively,

And defendants-respondents having moved for dismissal of the aforesaid appeals (M-1275),

And plaintiff-appellant having cross-moved for an enlargement of time in which to perfect the appeals, and for other relief (M-1537),

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

It is ordered that the motion is granted to the extent of dismissing the appeal from the order entered on or about April 20, 2009, and dismissing so much of the appeal from the order entered on or about February 3, 2010 which denied plaintiff reargument (M-1275). The cross motion is granted to the extent of enlarging the time in which to perfect the appeal from the order entered on or about February 3, 2010, except that portion of the order denying reargument, to the September 2010 Term. The cross motion is otherwise denied (M-1537).

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 May 18, 2010.

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

-----X  
In the Matter of

Jassan Teeshi A.,

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

M-1177  
Docket No. B8986/08

-----  
Cardinal McCloskey Services,  
Petitioner-Appellant,

Jason T.A.,  
Respondent-Respondent.

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

-----X  
Respondent-respondent father having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about September 29, 2009, for the assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 10 copies thereof are filed with this Court.

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 May 18, 2010.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of

Ashley B. and Amere B.,

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

M-643  
Docket Nos. B18015/07  
B18016/07

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

Christopher Y.,  
Respondent-Appellant.

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

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about March 24, 2009,

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

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

Ordered that the motion is 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 May 18, 2010.

Present - Hon. Eugene Nardelli, Justice Presiding,  
James M. McGuire  
Rolando T. Acosta  
Helen E. Freedman  
Nelson S. Román, Justices.

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

Respondent,

-against-

M-1542  
Ind. No. 1219/08

Ahmed Ali,

Defendant-Appellant.  
-----X

Counsel for appellant having moved for an order, inter alia, dismissing defendant's appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about February 23, 2009, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction 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 appeal withdrawn.

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 May 18, 2010.

Present: Hon. Eugene Nardelli, Justice Presiding,  
James M. McGuire  
Rolando T. Acosta  
Helen E. Freedman  
Nelson S. Román, Justices.

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

-against-

M-1612  
Ind. No. 9280/99

Jerry Williams,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about March 17, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
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 May 18, 2010.

Present: Hon. Eugene Nardelli, Justice Presiding,  
James M. McGuire  
Rolando T. Acosta  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
Ace Fire Underwriters Insurance  
Company, etc., et al.,  
Plaintiffs,

Pacific Employers Insurance Company,  
Plaintiff-Respondent,

-against-

ITT Industries, Inc., etc.,  
Defendant-Appellant,

M-1811  
Index No. 600133/06  
(mot. seq. nos. 042 & 044)

U.S. Silica Corporation, etc. et al.,  
Defendants.

-----X  
Ace Fire Underwriters Insurance  
Company, etc., et al.,  
Plaintiffs-Appellants,

-against-

ITT Industries, Inc., etc.,  
Defendant-Respondent,

U.S. Silica Corporation, etc., et al.,  
Defendants,

Affiliated FM Insurance Company,  
Defendant-Appellant,

Index No. 600133/06  
(mot. seq. no. 048)

Allianz Underwriters Insurance  
Company, et al.,  
Defendants,

OneBeacon America Insurance Company,  
etc.,  
Defendant-Appellant,

Underwriters at Lloyd's of London, et al.,  
Defendants-Appellants.

-----X

Defendant-appellant ITT Industries, Inc., etc., having taken an appeal from the order of the Supreme Court, New York County, entered on or about July 20, 2007 (mot. seq. nos. 042 & 044),

And an appeal having been taken from the order of said Court entered on or about August 21, 2007 (mot. seq. no. 048) by plaintiffs Ace Fire Underwriters Insurance Company, etc., et al.,

And separate appeals having been taken from the aforesaid order entered on or about August 21, 2007 by defendants, Affiliated FM Insurance Company; OneBeacon America Insurance Company, etc.; and Underwriters at Lloyd's of London, et al.,

And the appellants having moved for an enlargement of time in which to perfect the aforesaid respective appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time of the respective appellants in which to perfect the appeal(s) to on or before July 12, 2010 for the September 2010 Term.

ENTER:

  
Clerk.

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-5820  
Ind. No. 4637/03

-against-

CERTIFICATE  
GRANTING LEAVE

Isaac Diggins,  
Defendant-Appellant.

-----X  
I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the Order of the Supreme Court, New York County, entered on or about October 19, 2009.<sup>1</sup>

Dated: New York, New York  
May 4, 2010

ENTERED MAY 18 2010

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

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

---

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

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-5479  
Ind. No. 2422/06

-against-

CERTIFICATE  
DENYING LEAVE

Ronald Fishon,  
Defendant-Appellant.  
-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, entered on or about September 18, 2009, is hereby denied.

Dated: New York, New York  
May 3, 2010

**ENTERED MAY 18 2010**

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

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

BEFORE: Hon. Eugene L. Nardelli  
Justice of the Appellate Division

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

M-1365  
Ind. No. 6642/01

-against-

CERTIFICATE  
DENYING LEAVE

Anthony Bryant,

Defendant.

-----X

I, Eugene L. Nardelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about September 23, 2009, is hereby denied.

  
\_\_\_\_\_  
Justice of the Appellate Division

Dated: New York, New York

**ENTERED MAY 18 2010**

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

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

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

Appellant

M-359

Ind. No. 6148-06

-against-

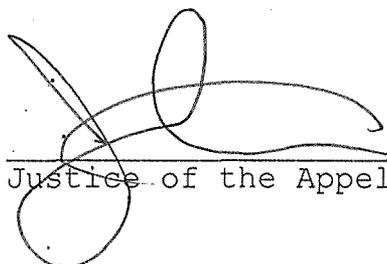
CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

Makeda Davis,

Defendant-Respondent.

-----x  
I, James M. Catterson, 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 appellant to appeal to the Court of Appeals.

  
\_\_\_\_\_  
Justice of the Appellate Division

Dated: May 5, 2010  
New York, New York

ENTERED: MAY 18 2010

\*Description of Order:

Supreme Court, New York County, rendered on March 4, 2008.  
App. Div., Appeal No. 374, reversed on January 5, 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.

STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT  
BEFORE: Hon. James M. Catterson  
Justice of the Appellate Division

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

- against -

Luis Vasquez,

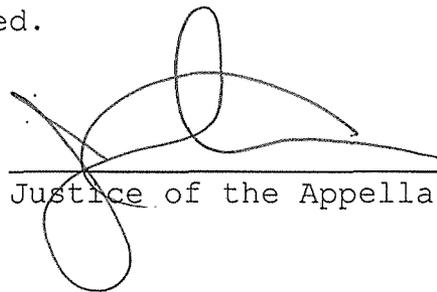
Defendant-Appellant.

M-4853  
Ind. No. 04040/2007

ORDER

-----X  
An appeal having been taken to this Court by the above-named defendant-appellant from the judgment of the Supreme Court of the State of New York, New York County, rendered on or about May 12, 2009, and defendant-appellant having moved, pursuant to CPL 460.50 to be admitted to bail pending determination of the aforesaid appeal, now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon, it is ordered that the motion is denied.

Dated: May 5, 2010  
New York, New York

  
\_\_\_\_\_  
Justice of the Appellate Division

ENTERED: **MAY 18 2010**

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

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

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

M-4941  
Ind. No. 1906/07

-against-

CERTIFICATE  
GRANTING LEAVE

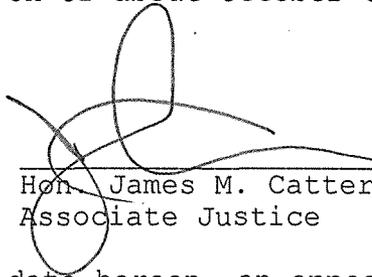
Sean Del,  
Defendant-Appellant.

-----X

I, James M. Catterson, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about October 6, 2009.<sup>1</sup>

Dated: May 5, 2010  
New York, New York

**ENTERED MAY 18 2010**

  
\_\_\_\_\_  
Hon. James M. Catterson  
Associate Justice

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

---

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

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

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

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

Respondent,

-against-

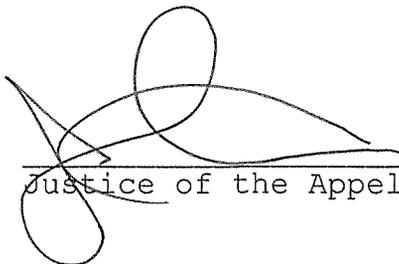
Henry Greenlee,  
Defendant-Appellant.

M-5293  
Ind. No. 6118/02

CERTIFICATE  
DENYING LEAVE

-----x

I, James M. Catterson, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 440.10, 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, dated September 22, 2009, is hereby denied.

  
\_\_\_\_\_  
Justice of the Appellate Division

Dated: May 5, 2010  
New York, New York

ENTERED: MAY 18 2010

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

-----X  
The People of the State of New York, : Order Withdrawing  
 : Motion for Stay  
 Respondent, : Of Execution of  
 : Judgment of  
 -against- : Resentence and  
 : Release on  
 Messiah Avent, : Recognizance  
 :  
 : M-1352  
 Defendant-Appellant. : Ind. No. 3990/99  
-----X

An appeal having been taken from the judgment of  
resentence of the Supreme Court, New York County, rendered on or  
about February 6, 2009,

And defendant-appellant having moved for a stay of  
execution of a judgment of **resentence** and release on  
recognizance, pending hearing and determination of the aforesaid  
appeal,

Now, upon reading and filing the papers with respect to  
the motion, and the correspondence from appellant's counsel dated  
March 26, 2010, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

Dated: New York, New York  
April 19, 2010

  
\_\_\_\_\_  
Rolando T. Acosta  
Associate Justice

Entered: MAY 18 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-1399  
Ind. No. 5967/06

-against-

CERTIFICATE  
DENYING LEAVE

Michael Dugan,

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 September 17, 2009 is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated:  
New York, New York

ENTERED: MAY 18 2010

PM ORDERS

ENTERED

MAY 13, 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 May 13, 2010.

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

-----X

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

M-839

-against-

Index No. 30210/08

Mustafa Rashid,  
Respondent-Respondent.

-----X

An order of this Court having been entered on February 16, 2010 (M-5825/M-8) inter alia, denying petitioner-appellant's motion for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 22, 2009 (Appeal No. 1227), and denying respondent-respondent's cross motion for vacatur of any stay with respect to his release from custody, or for related relief, as moot,

And respondent-respondent having moved for clarification and/or reconsideration of the aforesaid order of this Court entered February 16, 2010 (M-5825/M-8), or 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 deleting the provision of aforesaid order of this Court entered on February 16, 2010 (M-5825/M-8) denying the cross motion as moot, and replacing it with the provision that the cross motion is denied (CPLR 5519[e]). 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 in the County of New York on May 13, 2010.

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

-----X  
CDR Creances S.A., as Successor to  
Societe De Banque Occidentale,  
Plaintiff-Respondent,

-against-

**M-2399**

Index No. 109565/03

Maurice Cohen, et al.,  
Defendants-Respondents,

Gleason & Koatz and James P.  
Gleason,  
Non-Party Appellants.

-----X  
CDR Creances S.A., as Successor to  
Societe De Banque Occidentale,  
Plaintiff-Respondent,

-against-

Index No. 600448/06

Leon Cohen, also known as Leon Levy,  
etc., et al.,  
Defendants-Respondents,

Gleason & Koatz and James P.  
Gleason,  
Non-Party Appellants.

-----X  
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 29, 2010,

And non-party appellants having moved for a stay of deposition pending hearing and determination of the aforesaid appeal,

And an order of a Justice of this Court, dated April 29, 2010, having granted non-party appellants interim relief, pending hearing and determination of the instant motion, on certain conditions,

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 stay deposition is denied and so much of the interim order of a Justice of this Court, dated April 29, 2010, which stayed deposition is vacated. So much of the interim order with respect to the examination of James P. Gleason and the supervision thereof by Supreme Court is continued.

ENTER:

A handwritten signature in black ink, reading "David Apolony". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.

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 May 13, 2010.

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

-----X  
Brentwood Pain & Rehabilitation  
Services, P.C., et al.,  
Plaintiffs-Respondents,

**M-2200**  
Index No. 109805/04

-against-

Progressive Insurance Company, et al.,  
Defendants-Appellants.

-----X  
Progressive Insurance Company, et al.,  
Third-Party Plaintiffs-Appellants,

Third-Party  
Index No. 591076/04

-against-

Richard Lee, D.C., et al.,  
Third-Party Defendants-Respondents.

-----X

Defendants/third-party plaintiffs-appellants having taken appeals from the orders of the Supreme Court, New York County, entered on or about November 4, 2009 (mot. seq. no. 007) and on or about March 23, 2010, respectively,

And defendants/third-party plaintiffs-appellants having moved for consolidation of the aforesaid appeals, for a stay of trial pending hearing and determination of said appeals, and for a preference in the hearing of said appeals,

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

It is ordered that the motion, to the extent it seeks consolidation of the aforesaid appeals is granted. So much of the motion which seeks a stay of trial is granted on condition

the consolidated appeals are 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 respondents serve a copy of this order upon appellants within 10 days after the date of entry hereof. Appellants are permitted to prosecute the consolidated appeals upon 10 copies of one record and of one set of appellant's points covering said appeals. So much of the motion which seeks a preference in the hearing of the appeals is denied.

ENTER:

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

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 May 13, 2010.

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

-----X  
Oxford Information Technology, Ltd.,  
Plaintiff-Appellant,

-against-

**M-1867**

Index No. 602481/07

Novantas LLC, et al.,  
Defendants-Respondents.

-----X  
Novantas LLC,  
Counterclaim Plaintiff,

-against-

Raymond Greenhill,  
Additional Counterclaim  
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 5, 2010, which denied plaintiff's motion to modify a so-ordered stipulation entered on or about March 31, 2008,

And plaintiff-appellant having moved for an order pursuant to CPLR 5518 and 5519 staying enforcement of the aforesaid order entered on or about March 5, 2010 denying modification of the so-ordered stipulation therein, 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 on condition that the proposed data restrictions detailed in Paragraph 13 of the

affirmation to the moving papers of Daniel B. Goldman, Esq., be instituted and maintained, and on condition that, within 20 days of this order, appellant posts an undertaking in the amount of \$100,000, and on the further condition that appellant perfects the appeal on or before August 9, 2010 for the October 2010 Term. Upon failure to meet any of these conditions or to so perfect, an order vacating the stay may be entered ex parte, provided that respondents serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:

A handwritten signature in black ink, reading "David Apobony". The signature is written in a cursive style with a large, sweeping initial "D".

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 May 13, 2010.

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

-----X  
J. Aron & Company,  
Plaintiff-Respondent,

-against-

M-2271  
Index No. 603225/08

Controladora Comercial Mexicana S.A.B.  
DE C.V.,  
Defendant-Appellant.

-----X  
Barclays Bank PLC,  
Plaintiff-Respondent,

-against-

M-2274  
Index No. 603233/08

Controladora Comercial Mexicana S.A.B.  
DE C.V.,  
Defendant-Appellant.

-----X  
JPMorgan Chase Bank, N.A.  
Plaintiff-Respondent,

-against-

M-2276  
Index No. 603215/08

Controladora Comercial Mexicana S.A.B.  
DE C.V.,  
Defendant-Appellant.

-----X  
Merrill Lynch Capital Markets AG and  
Merrill Lynch Capital Services, Inc.,  
Plaintiffs-Respondents,

-against-

M-2277  
Index No. 603214/08

Controladora Comercial Mexicana S.A.B.  
DE C.V.,  
Defendant-Appellant.

-----X

Defendant-appellant Controladora Comercial Mexicana S.A.B. DE C.V. having moved for an order staying any Referee hearing in the above-entitled actions pending hearing and determination of the appeals taken from the orders of the Supreme Court, New York County, entered on or about March 18, 2010,

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 denied and the interim relief granted by the orders of a Justice of this Court dated April 22, 2010 is hereby vacated.

ENTER:

A handwritten signature in black ink, reading "David Apalony". The signature is written in a cursive, flowing style.

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 May 13, 2010.

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

-----X  
Morgan Stanley & Co., Inc.,  
Plaintiff-Respondent,

-against-

M-2439  
Index No. 602459/09

Michelle Feeley,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 12, 2010, and said appeal having been perfected,

And respondent having moved to strike petitioner's Appendix and for sanctions, and for other relief,

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

Ordered that the motion is 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 May 13, 2010.

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

-----X

Leonard Salati,  
Plaintiff-Appellant-Respondent,

-against-

M-2067 M-2411  
Index No. 101999/05

Janet Jackson, et al.,  
Defendants-Respondents,

10<sup>th</sup> Avenue Hospitality Group, LLC,  
doing business as Club Marquee,  
Defendant-Respondent,

Knight Time Security of New York,  
Inc., doing business as  
Titan Security, Inc.,  
Defendant-Respondent-Appellant.

-----X

Janet Jackson, et al.,  
Third-Party Plaintiffs-Respondents,

-against-

Third-Party  
Index No. 590793/05

10<sup>th</sup> Avenue Hospitality Group, LLC,  
doing business as Club Marquee,  
Third-Party Defendant-Respondent,

Knight Time Security of New York,  
Inc., doing business as  
Titan Security, Inc.,  
Third-Party Defendant-Appellant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 25, 2009, and an appeal having been taken from the order of said Court entered on or about November 19, 2009,

And an order of this Court having been entered on April 20, 2010 (M-1005) dismissing the motion of defendant-respondent-appellant/third party defendant-appellant Knight Time Security of New York, Inc. as academic and vacating a stay of proceedings in Supreme Court ordered by a Justice of this Court on February 25, 2010,

And defendant-respondent-appellant/third party defendant-appellant Knight Time Security of New York, Inc. having moved for a consolidation of the appeals taken by movant and for an enlargement of time in which to perfect same (M-2067),

And said Knight Time Security of New York, Inc. having moved by separate motion for vacatur of the aforesaid order of this Court entered on April 20, 2010 and staying further proceedings in Supreme Court pending hearing and determination of all the appeals herein (M-2411),

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

Ordered that the order of this Court entered on April 20, 2010 (M-1005) is herewith recalled and vacated and movants motion for a stay of proceedings in Supreme Court is denied (M-2411) and it is further

Ordered that the appeal and cross appeal and the appeal herein are consolidated to the extent of permitting the parties to prosecute the appeals upon 10 copies of one record and of one set of respective appellant's points covering the appeals and cross appeal and enlarging the time in which to perfect the consolidated appeals to the November 2010 Term (M-2067). The attention of the parties is directed to Rule 600.11(d) of this Court with respect to a joint record and costs thereof.

ENTER:

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

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 May 13, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Eugene Nardelli  
James M. McGuire  
Karla Moskowitz, Justices.

-----X

In the Matter of the Application of

Mercedes Casado, et al.,  
Petitioners-Respondents,

-against-

M-2305

Index No. 402267/08

Marvin Markus, as Chair of the  
New York City Rent Guidelines Board,  
Respondent-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about February 2, 2010,

And an order of this Court having been entered April 15, 2010 (M-1072/M-1619) inter alia declaring that no stay of judgment on appeal pursuant to CPLR 5519(a)(1) was in effect,

And respondent-appellant having moved for renewal and/or reargument of the aforesaid order (M-1072/M-1619),

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 granting reargument and upon reargument so much of defendant-appellant's cross-motion seeking a discretionary stay pursuant to CPLR 5519(c) is denied without prejudice to the post appeal rights or remedies of the respective parties.

ENTER:



Clerk.

PM ORDERS

ENTERED

MAY 18, 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 May 18, 2010.

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

-----X  
Corlette O'Bryan, et al.,  
Plaintiffs-Appellants,

-against-

**M-1772**

Index No. 303293/09

Martha E. Stark, as Commissioner  
of the New York City Department of  
Finance, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 12, 2010,

And plaintiffs-appellants having moved for a stay of eviction pending hearing and determination of the appeal,

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

It is ordered that the motion is granted 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 respondents serve a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 18, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. McGuire  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Assured Guaranty (UK) Ltd., in its own  
right and the right of Orkney Re II  
PLC,

Plaintiff-Appellant,

-against-

J.P. Morgan Investment Management, Inc.,

Defendant-Respondent.

-----  
Securities Industry and Financial  
Markets Association,

Amicus Curiae.

-----X

An appeal having been taken to this Court by the above-named plaintiff from the order of the Supreme Court, New York County, entered on or about January 28, 2010, and said appeal having been perfected,

And Securities Industry and Financial Markets Association ("SIFMA"), having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal (M-2431),

And plaintiff-appellant having cross-moved for leave to file a supplemental brief in response to the proposed brief amicus curiae (M-2551),

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

**M-2431**

**M-2551**

Index No. 603755/08

It is ordered that the motion is granted to the extent of deeming the briefs amicus curiae submitted with the moving papers herein as filed (M-2431). The cross motion is granted and plaintiff is directed to file 10 copies of a supplemental brief in response to the brief amicus curiae on or before May 24, 2010 (M-2551).

ENTER:

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

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 May 18, 2010.

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

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

M-804A  
M-956A  
Ind. No. 5394/98

Keith Brock,  
Defendant-Respondent-Appellant.

-----X

Defendant having moved by separate motions for leave to respond, as a poor person, to the People's appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about February 3, 2010, (M-804) and for leave to prosecute defendant's cross appeal from said judgment of resentence, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief (M-956),

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 permitting the appeal and cross 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 reproduced briefs, on condition that the respective appellant serves one copy of such brief upon their adversary and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to each 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, 11<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant for purposes of responding to the appeal and prosecuting the cross appeal. The time within which the parties shall perfect this appeal and cross is hereby enlarged until 120 days from the date of filing of the record. (The order of this Court entered on April 13, 2010 [M-804/M-956] is hereby recalled and vacated.)

ENTER:



Clerk.