

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 25, 2010.

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

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

-against-

Angie Codina,  
Defendant-Appellant.

M-4821  
DC #9  
Ind. No. 6852/98  
1730/99  
1730A/99

-----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 June 24, 2004,

And an order of this Court having been entered on March 20, 2008 (M-963), inter alia, granting defendant leave to prosecute the appeal as a poor person and assigning counsel therefor,

And said appeal not having been brought on for argument pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 29, 2009, pursuant to Rule 600.12(c) of said Rules of Practice,

And defendant-appellant having submitted moving papers for an order relieving assigned counsel with respect to the aforesaid appeal, for permission to proceed pro se upon a proposed pro se brief submitted with the moving papers, for a stay of sentence pending hearing and determination of the aforesaid appeal, and to be provided with enumerated transcripts, exhibits and documents, in furtherance of the appeal,

And assigned counsel having responded by affirmation seeking an enlargement of time in which to perfect the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time of assigned counsel in which to perfect the appeal to the September 2010 Term, and the motion is otherwise denied, without prejudice to renewal subsequent to perfection by assigned counsel, of so much of the motion which seeks to proceed pro se on appeal and for permission to file an oversized pro se brief.

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 25, 2010.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
James M. Catterson Justices.

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

-against-

M-985  
Ind. No. 910/05

Lawrence Jackson,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 9, 2007 (Appeal No. 1648), unanimously affirming a judgment of the Supreme Court, New York County (Robert Stoltz, J.), rendered on January 12, 2006,

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, 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 said application 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 25, 2010.

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

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

-against-

M-68  
Ind. No. 6549/03

Michael Nash,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 6, 2006 (Appeal No. 8684), unanimously affirming a judgment of the Supreme Court, New York County (Daniel P. Fitzgerald, J.), rendered on December 9, 2004,

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, 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 said application 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 25, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Sandra Macaluso, as Court Appointed  
Adminstratrix for the Estate of  
Blanche Baron, Deceased,  
Plaintiff-Respondent,

M-1496  
Index No. 91042/99

-against-

Morningside House Nursing Home  
Company, Inc., et al.,  
Defendants,

Carol B. Kelly, M.D.,  
Defendant-Appellant.

-----X

Defendant-appellant Carol B. Kelly, M.D. having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about February 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 May 25, 2010.

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

-----X  
Jomo Williams,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-1666  
Index No. 401950/09

W.C. Thompson, Jr., etc., et al.,  
Respondents-Respondents.

-----X

An appeal having been taken by petitioner from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 25, 2009 (mot. seq. no. 001),

And an order of this Court having been entered on March 11, 2010 (M-353) denying petitioner's motion to prosecute said appeal as a poor person, and for related relief,

And defendant having renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of counsel, 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 25, 2010.

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

-----X  
MCC Development Corporation,

Plaintiff-Appellant,

-against-

M-1609  
Index No. 101141/06

Daniel Perla, 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 May 12, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal 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 May 25, 2010.

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

-----X  
Harlem Real Estate LLC and  
Citarella Operating LLC,  
Plaintiffs-Appellants,

-against-

M-1722  
Index No. 111768/06

New York City Economic Development  
Corporation and The City of New York,  
Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about June 10, 2009 (mot. seq. no. 003) and October 28, 2009 (mot. seq. no. 005), respectively,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated 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 May 25, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Latipac Corp.,

Plaintiff-Appellant,

-against-

BMH Realty LLC, et al.,

Defendants-Respondents.  
-----X

M-1790  
Index No. 101213/09

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

And an order of this Court having been entered on January 19, 2010 (M-5720), consolidating the aforesaid appeals,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid consolidated 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 in which to perfect the consolidated appeals 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 May 25, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Larry Stryker,  
Plaintiff-Appellant,

-against-

M-1569  
Index No. 117524/06

Alex Stelmak, an Individual,  
Stan Mashov, an Individual,  
Simone V. Palazzolo, Esq., an  
Individual and Advanced  
Technologies Group, Ltd.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 11, 2008 (mot. seq. no. 006),

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 25, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In Re Deiby C.,  
A Juvenile Delinquent,  
Appellant.  
-----  
Presentment Agency.  
-----X

M-650  
Docket No. D26113/07

Presentment Agency having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 22, 2009 (Appeal No. 1857),

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 deemed one for reargument, and upon reargument, the decision and order of this Court entered on December 22, 2009 (Appeal No. 1857) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 1857 decided simultaneously herewith.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 25, 2010.

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

-----X  
In the Matter of the Application of  
Residential Management, Inc.,

Petitioner-Respondent,

-against-

M-1526  
Index No. 107306/05

New York State Division of Housing  
and Community Renewal,

Respondent-Appellant,

-and-

Graham Court Tenants' Association,  
Respondent-Intervenor.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 24, 2007 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 25, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe  
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

M-1517  
Ind. No. 4515/08

Osiris Marte,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay trial counsel's fee, to post the \$75,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the 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 25, 2010.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

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

-against-

M-5637  
Ind. No. 5497/99

Frederick Walker,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 30, 2002 (Appeal No. 892), unanimously affirming a judgment of the Supreme Court, New York County (William Leibovitz, J.), rendered on December 7, 2000,

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, 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 said application 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 25, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Rolando T. Acosta  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
Verizon New York Inc., et al.,

Plaintiffs-Respondents,

-against-

M-1519  
Index No. 602146/08

Optical Communications Group, Inc.,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 1, 2009 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 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 25, 2010.

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

-----X  
Zachary Velazquez, an infant by his  
mother and natural guardian  
Evelyn Segarra, et al.,  
Plaintiffs-Respondents,

-against-

M-1091  
Index No. 16376/07

The City of New York Health and  
Hospitals Corporation (Jacobi Medical  
Center),  
Defendant-Appellant.

-----X  
Plaintiffs-respondents having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 12, 2010 (Appeal No. 1427N),

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 25, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Helen E. Freedman, Justices.

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

-against-

M-610  
Ind. No. 4703/05

Anthony Danvers,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 17, 2009 (Appeal No. 4244), unanimously affirming a judgment of the Supreme Court, New York County (Gregory Carro, J., on speedy trial motion); (Edwin Torres, J., at jury trial and sentence), rendered on March 27, 2007,

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, 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 said application 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 25, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-1767  
Ind. No. 5643/07

Edward Green,  
Defendant-Appellant.

-----X  
Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 8, 2008, having moved for leave to file a pro se supplemental brief and for related relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before August 9, 2010 for the October 2010 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 25, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Helen E. Freedman, Justices.

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

-against-

M-1429  
Ind. No. 3399/09

Calvin Hudson,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 9, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 25, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
James M. Catterson  
James M. McGuire  
Nelson S. Román, Justices.

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

-against-

M-1704  
Ind. No. 3549/05

Jaime Briceno,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 19, 2009, for leave to prosecute the appeal as a poor person upon 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.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Tel. 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 25, 2010.

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

-----X  
In the Matter of a Proceeding for  
Custody under Article VI of the  
Family Court Act,

Lawrence Chachere,  
Petitioner-Respondent,

M-2250  
Docket No. V-12847-8/07

-against-

Anthea Poulos,  
Respondent-Appellant.

-----X

Respondent-appellant in connection with the appeal from an order of the Family Court, New York County, entered on or about July 7, 2009, having moved for an enlargement of time in which to perfect the appeal,

Now, upon reading and filing the papers with respect to the motion, and 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 May 25, 2010.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Isidro Abascal,  
Plaintiff-Appellant,

-against-

M-1641  
Index No.401171/06

City of New York,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about August 13, 2009 (mot. seq. no. 004), for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record 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. The Clerk of the Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor.

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 25, 2010.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Allen Proctor,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-1782  
M-2195  
Index No. 401364/08

-against-

District Attorney, New York County,  
Defendant-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 March 23, 2009,

And petitioner-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal (M-1782),

And defendant-respondent having cross-moved to dismiss the aforesaid appeal (M-2195),

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

It is ordered that petitioner's motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before August 9, 2010 for the October 2010 Term (M-1782). Defendant-respondent's motion to dismiss petitioner's appeal is granted unless said appeal is perfected for said October 2010 Term (M-2195). Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided defendant-respondent serves a copy of this order upon the petitioner-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 May 25, 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-

Luis Estela,  
Defendant-Appellant.

M-1614  
Ind. Nos. 720/04  
4336/04

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about March 24, 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 an proceedings before Judge Uviller, if any. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
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 25, 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-1615  
Ind. No. 7979/99

George Colon,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about March 23, 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 any proceedings Judge White, if any. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
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 25, 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-1616  
Ind. No. 1729/04

John Tolbert,  
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 24, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

Enter:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 25, 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-1633  
Ind. No. 6210/00

Leonia Diaz,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 6, 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 as a timely filed notice of appeal from the aforesaid April 6, 2009 judgment of **resentence**, 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 **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 25, 2010.

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

-----X  
Amboy Bus Co., Inc., et al.,

Plaintiffs-Respondents,

-against-

M-1626  
Index No. 603267/08

The Board of Education of the City  
of New York,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 15, 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 May 25, 2010.

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

-----X

Chelise Navarro,

Plaintiff-Respondent,

-against-

M-1589

Index No. 25776/04

The City of New York, 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, Bronx County, entered on or about May 15, 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 May 25, 2010.

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

-----X  
Accounting of the Chase Manhattan Bank and Lawrence Kalik as Co-Trustees under the Trust Indenture of Louis Wagman, Grantor, dated August 3, 1977, Louis Wagman and Lawrence Kalik as Co-Trustees f/b/o Loretta Wagman. Surrogate's Court File No. 1121/86

-----X  
Accounting of Carl Wagman as Co-Trustee under the Trust Indenture of Louis Wagman, Grantor, dated August 3, 1977, Louis Wagman and Lawrence Kalik as Co-Trustees f/b/o Loretta Wagman. M-1459

-----X  
Loretta Wagman,  
Plaintiff-Appellant,  
  
-against- Index No. 107856/98

Lawrence Kalik, etc., et al.,  
Defendants-Respondents.  
-----X

Carl Wagman having moved for an enlargement of time in which to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about January 2, 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 May 25, 2010.

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

-----X  
Alexander Von Mueffling,

Plaintiff-Appellant,

-against-

Jessica Balaban,

Defendant-Respondent.  
-----X

M-1759  
Index No. 300125/08

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 September 2, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 25, 2010.

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

-----X  
Jesse Vasquez, an infant by  
his mother and natural guardian  
Lissette Vazquez,

Plaintiff-Respondent,

M-1598  
Index No. 6893/07

-against-

New York City Housing Authority,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 12, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal 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 May 25, 2010.

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

-----X  
Randy K. Pajooch,

Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-1591  
Index No. 302864/07

State Division of Human Rights,  
et al.,

Defendants-Respondents.  
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 26, 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 May 25, 2010.

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

-----X  
Hector Sanchez,

Plaintiff-Respondent,

-against-

M-1730  
Index No. 16054/06

Avuben Realty, LLC,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 21, 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.

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-5286  
Ind. No. 7990/97

-against-

CERTIFICATE  
DENYING LEAVE

Albert Soto,  
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, Bronx County, entered  
on or about October 2, 2009, is hereby denied. To the extent  
that defendant seeks poor person relief and assignment of  
counsel, that motion is hereby denied as academic.

Dated: New York, New York  
May 3, 2010

**ENTERED**

MAY 25 2010



DAVID FRIEDMAN  
Justice of the Appellate Division

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

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

Respondent,

-against-

Andre Jackson,

Defendant-Appellant  
-----X

M - 1349  
Ind. No. 2651/02

Order Withdrawing  
Motion for Stay  
Of Execution of  
Judgment of  
Resentence and  
Release on Recognizance

An appeal having been taken from the judgment of resentence of the Supreme Court, New York County, rendered on or about September 23, 2008

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.



Hon. Rolando T. Acosta  
Associate Justice

Dated: May 10, 2010  
New York, New York

ENTERED:

ENTERED

MAY 25 2010

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

BEFORE: Rolando T. Acosta  
Justice of the Appellate Division

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

Respondent,

-against-

M-2192  
Ind. No. 963/09

Maurice Evans,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for a stay of execution of sentence pending hearing and determination of the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 28, 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 deemed withdrawn.

Dated: May 22, 2010  
New York, New York

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

Entered:       **MAY 25 2010**

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

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

Respondent,

-against-

Wazim Bulla,

Defendant-Appellant.  
-----X

M - 1351  
Ind. No. 962/03

Order Withdrawing  
Motion for Stay  
Of Execution of  
Judgment of  
Resentence and  
Release on Recognizance

An appeal having been taken from the judgment of resentence of the Supreme Court, New York County, rendered on or about January 23, 2009,

And defendant-appellant having moved for s 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.

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

Dated: May 10, 2010  
New York, New York

ENTERED: **MAY 25 2010**

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

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

Respondent,

-against-

Dale Fleming,

Defendant-Appellant  
-----X

M - 1350  
Ind. No. 527/00

Order Withdrawing  
Motion for Stay  
Of Execution of  
Judgment of  
Resentence and  
Release on Recognizance

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

And defendant-appellant having moved for s 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.

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

Dated: May 10, 2010  
New York, New York

ENTERED: **MAY 25 2010**

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

BEFORE: Hon. Helen E. Freedman  
Justice of the Appellate Division

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

M - 2049  
Indictment. No.  
4842/91

-against-

CERTIFICATE  
DENYING LEAVE

EVERTON BROWN,

Defendant.  
-----X

I, Helen E. Freedman, 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 the Criminal Procedure Law §§ 450.15 & 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about February 8, 2010 is hereby denied.

  
\_\_\_\_\_  
Hon. Helen E. Freedman  
Associate Justice

Dated: May 12, 2010  
New York, New York

ENTERED: MAY 25 2010

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

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

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

M-1665  
Ind. No. 8809/91

-against-

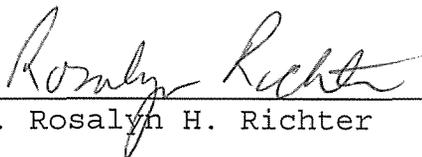
CERTIFICATE  
DENYING LEAVE

Prince Backman,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the 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 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 March 12, 2008, is hereby denied.

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter

Dated: May 7, 2010  
New York, New York

ENTERED: **MAY 25 2010**

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

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

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

M-1565  
Ind. No. 5431/03,  
8560/00

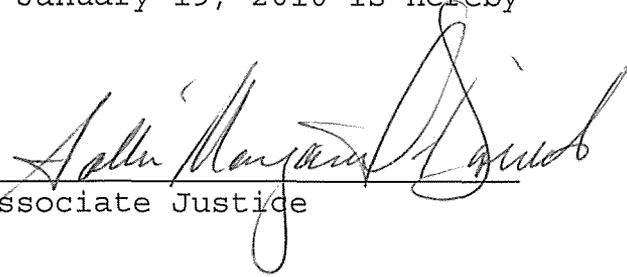
-against-

CERTIFICATE  
DENYING LEAVE

Alberto Polcano,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, 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, entered on or about January 19, 2010 is hereby denied.

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

Dated: May 10, 2010  
New York, New York

ENTERED: MAY 25 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-1763  
Ind. No. 7990/97

-against-

CERTIFICATE  
DENYING LEAVE

Albert Soto,

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, Bronx County, rendered on or about November 23, 2009 is hereby denied.



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

Dated:  
New York, New York

ENTERED:           **MAY 25 2010**

PM ORDERS

ENTERED

MAY 20, 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 20, 2010.

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

-----X  
In the Matter of

Anthony M. W. A.,

**M-2330**  
**M-2550**

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

Docket No. B877/06

- - - - -  
Lutheran Social Services of  
Metropolitan New York,  
Petitioner-Respondent,

Micah W. A.,  
Respondent-Appellant.

- - - - -  
Mark Leider, Esq.,  
Law Guardian for the Child.

-----X  
An appeal having been taken from the order of the Family Court, New York County, entered on or about March 27, 2009,

And the Law Guardian having moved to dismiss the aforesaid appeal (M-2330),

And petitioner-respondent having cross-moved for the same relief (M-2550),

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 and cross motion to dismiss the appeal are denied. Sua sponte assigned counsel is directed to perfect the appeal on or before July 12, 2010 for the September 2010 Term. So much of the motion and cross motion which seek dismissal of the appeal pursuant to CPLR 5511 is denied without prejudice to raising that issue directly on appeal.

ENTER:

A handwritten signature in black ink that reads "David Apolony". 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 20, 2010.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Eugene Nardelli  
John W. Sweeny, Jr., Justices.

-----X  
Ruby Emanuel, etc.,  
Plaintiff,

-against-

**M-2552**  
Index No. 1437/06

Sheridan Transportation Corp.,  
et al.,  
Defendants.

-----X  
Kenneth Heller,  
Contemnor-Appellant,

-against-

Jacoby & Myers, LLP,  
Respondent,

Hon. Howard Silver,  
Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County (Howard Silver, J.), entered on or about May 4, 2010, inter alia, directing contemnor Kenneth Heller to complete the remaining 29 days of a 30 day sentence of civil commitment imposed upon him,

And contemnor having moved for a stay of completion of sentence 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.

PM ORDERS

ENTERED

MAY 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 May 25, 2010.

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

-----X  
Jessica Hernandez,  
Plaintiff-Respondent,

-against-

William Hernandez,  
Defendant-Appellant.

**M-2418**  
Index No. 3072/07

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 28, 2008,

And plaintiff-respondent having moved to dismiss the appeal as taken from a non-appealable order,

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

Ordered that the motion is denied without prejudice to addressing the issue directly on 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 May 25, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Eugene Nardelli  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----X  
Benjamin L. Anderson, a Shareholder of  
Livonia, Avon & Lakeville Railroad  
Corporation,

Plaintiff-Appellant,

-against-

**M-2354**  
Action No. 1  
Index No. 600126/09

Carl P. Belke, et al.,  
Defendants-Respondents.

- - - - -  
Benjamin L. Anderson, a Shareholder of  
Livonia, Avon & Lakeville Railroad  
Corporation,

Plaintiff-Appellant,

-against-

Action No. 2  
Index No. 602210/08

Eugene H. Blabey II, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken (under Index No. 600126/09) from three orders of the Supreme Court, New York County, entered on or about July 24, 2009, July 27, 2009 and July 24, 2009, respectively, (mot. seq. nos. 001, 002 and 003); and an appeal having been taken (under Index No. 602210/08) from three orders of the Supreme Court, New York County, all entered on or about July 27, 2009 (mot. seq. nos. 001, 002 and 003), and said appeals having been perfected,

And plaintiff-appellant having moved to strike portions of defendants' appendix and brief or for alternative relief; and for an extension of time in which to file an appellant's reply 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, to the extent it seeks to strike portions of defendants-respondents' appendix and brief, is denied without prejudice to raising the issues at the time of argument of the appeal. So much of the motion which seeks an extension of time to file an appellant's reply brief is denied as academic.

ENTER:

A handwritten signature in black ink that reads "David Apokony". 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 25, 2010.

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

-----X  
Jodd Readick,  
Plaintiff-Respondent,

-against- **M-2110**  
Index No. 350161/04

Jeanette Readick,  
Defendant-Appellant.  
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about December 8, 2008, on or about February 8, 2010 and on or about February 16, 2010, respectively,

And defendant-appellant having moved to stay enforcement of certain money awards, pending hearing and determination of the aforesaid appeals, for consolidation of the appeals, and for an enlargement of time in which to perfect 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 a stay, is denied and the interim relief granted by order of a Justice of this Court, dated April 14, 2010, is vacated. So much of the motion which seeks consolidation of the appeals is granted to the extent of consolidating the appeal from the order entered on December 8, 2008 and the appeal from the order entered on February 8, 2010 and directing that said appeals are to be perfected on or before August 9, 2010 for the October 2010 Term. So much of the motion which addresses the appeal from the order entered on February 16, 2010 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 25, 2010.

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

-----X

Craig Brown, et al.,  
Plaintiffs-Respondents,

-against-

**M-2149**

Index No. 600018/10

Strategic Legal Resources, Inc.,  
etc., et al.,  
Defendants-Appellants,

Strategic E-Sourcing, LLC,  
Nominal Defendant.

-----X

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

And defendants-appellants having moved to stay advancement of counsel fees, pending hearing and determination of said appeal, for a preference in the hearing of said appeal, and for related relief including leave to argue their appeal,

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

Ordered that the motion is granted to the extent of permitting appellants to present argument on the appeal. So much of the motion which seeks a preference is granted to the extent of directing the Clerk to place the appeal on the calendar for the September 2010 Term on condition the appellants perfect the appeal on or before July 12, 2010 for said September 2010 Term. 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 25, 2010.

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

-----X

Remco Maintenance, LLC,

Petitioner-Appellant,

-against-

**M-2426**

Index No. 603592/09

CC Management & Consulting, Inc.,  
et al.,

Respondents-Respondents.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 18, 2010,

And petitioner having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518 barring arbitration 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.