

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 27, 2010.

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

-----X
Jennifer S. Hes, also known as
Jennifer S. Hess,

Plaintiff-Appellant,

-against-

M-1394
Index No. 401064/06

New York City Transit Authority,
Metropolitan Transportation Authority
and Long Island Railroad,

Defendants-Respondents.

-----X
(And other actions)

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about March 2, 2009 (mot. seq. no. 003),

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

It is ordered that the motion is 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 27, 2010.

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

-----X
Jason Lewis, by his Mother and
Natural Guardian, Lorrie Hathaway,
and Lorrie Hathaway, Individually,
Plaintiffs-Appellants,

M-1513
Index No. 402696/05

-against-

Greater New York Councils Boy Scouts
of America, et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for an order dismissing plaintiffs-appellants' appeal taken from the order of the Supreme Court, New York County, entered on or about November 12, 2009 (mot. seq. no. 003),

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected for the October 2010 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondents serve a copy of this order upon the appellants within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on May 27, 2010.

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

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

-against-

M-2007
Ind. No. 1082/04

Jorge Alvarez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order denying resentencing of the Supreme Court, New York County, entered on or about March 27, 2008, 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 pursuant to Sec 722 of the County Law. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on May 27, 2010.

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

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

-against-

M-2011
Ind. No. 311/09

Roy Bodden,
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 March 4, 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, 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 27, 2010.

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

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

-against-

M-2012
Ind. No. 7283/99

Terrence Crawley,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order denying resentence of the Supreme Court, New York County, entered on or about March 11, 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 before Judge Ronald Zweibel, 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.

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on May 27, 2010.

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

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

-against-

M-2013
Ind. No. 2161/09

James Crooks,
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 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, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on May 27, 2010.

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

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

-against-

M-2015
Ind. No. 2681/07

David Hutchings,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 10, 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, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on May 27, 2010.

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

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

-against-

M-2016
Ind. No. 4137/08

Mark Inesti, also known as Hector
Ortiz,
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 February 25, 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, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on May 27, 2010.

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

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

-against-

M-2017
Ind. No. 586/08

Michael Lewis,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 11, 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, 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 27, 2010.

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

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

-against-

M-2018
Ind. No. 5916/08

Edwin Lopez,
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 March 3, 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, 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 27, 2010.

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

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

-against-

M-2019
Ind. No. 5916/08

Efrain Lopez,
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 March 3, 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, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on May 27, 2010.

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

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

-against-

M-2014
Ind. No. 2854/04

Jovannie Florestal,
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 March 16, 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, 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 27, 2010.

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

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

- - - - -
Vicente A. C.,
Petitioner-Respondent,

M-1023
Docket Nos. V25363/08
V25363-08/09A

-against-

Kenia R.,
Respondent-Appellant.

- - - - -
Andre Applewhite, Esq.,
Law Guardian for the Child.

-----X

Respondent-appellant mother, Kenia R., having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about December 22, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol Lipton, Esq., 800 Greenwood Avenue, #3L, Brooklyn, NY 11218, Telephone No. (718) 436-5359, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the

May 27, 2010

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

ENTER:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 27, 2010.

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

-----X
In the Matter of

Erica B. and Quentin B., also
known as Quentin B., Jr.,

M-1645

Docket No. NN26931-32/08

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

Administration for Children's
Services,
Petitioner-Respondent,

Quentin B., Sr.,
Respondent-Appellant.

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

-----X

Respondent-appellant father, Quentin B., Sr., having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, Bronx County, entered on or about April 30, 2009 and on or about June 1, 2009, respectively, 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, Steven N., Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal;

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

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 27, 2010.

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

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

- - - - -
Celenia M.,
Petitioner-Respondent,

M-1826
Docket Nos. V10736-97/07F
V10736-97/07G
V10736-97/07H

-against

Faustino M.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to respondent-appellant's appeal from the order of the Family Court, New York County, entered on or about August 14, 2008, 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 (1) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the appellant and 10 copies thereof are filed with this Court; and (2) assigning, pursuant to Section 722 of the County Law, Anne Reiniger, Esq., 801 Second Avenue 10th FL New York, NY 10017, Telephone No. (212)972-5430, as counsel for purposes of responding to the appeal.

The perfected appeal is on this Court's calendar 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 27, 2010.

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

-----X
In the Matter of the Petition of

Michael Bifulco,
Petitioner-Appellant,

M-1608
Index No. 102445/08

For a Judgment, etc.,

-against-

Raymond W. Kelly, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 15, 2009 (mot. seq. no. 001),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 27, 2010.

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

-----X
Eusebio Morales-Morillo,
Plaintiff-Respondent,

-against-

M-1795
Index No. 14502/07

Sunnyside Commons, LLC,
Defendant-Appellant,

Sano Construction Corp.,
Defendant.

-----X
Sunnyside Commons, LLC,
Third-Party Plaintiff-Appellant,

-against-

Third-Party
Index No. 84156/08

Masonry Services, Inc.,
Third-Party Defendant-Respondent.

-----X

Defendant/third-party plaintiff-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 July 6, 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 27, 2010.

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

-----X
The People of the State of New York
ex rel. Robert Parris,
Petitioner,

-against-

M-1532

Warden Duffy, R.N.D.C., et. al.,

Respondents.
-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court, 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 be and the same hereby is granted to the extent of issuing the writ, and

It is further ordered that the habeas corpus proceeding herein be transferred to and be heard before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Otis Bantum Correctional Center, 16-00 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, be deemed due and sufficient notice.

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 27, 2010.

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

-----X
Richard Kaminowitz,
Plaintiff-Appellant,

-against-

M-1403
Index No. 16570/06

Ricky Trucking Corp., 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 April 21, 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 27, 2010.

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

-----x
Kenya Wilson,
Plaintiff-Appellant,

-against-

M-1404
Index No. 23795/06

Aurelus Lissade, Anjil J. Shah and
Christine Alpert,
Defendants-Respondents.

-----x

Defendants-respondents Aurelus Lissade and Anjil J. Shah having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about May 14, 2009,

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

It is ordered that the motion is granted 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 27, 2010.

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

-----X
In the Matter of

	M-1034
Alex R.,	Docket Nos. NN3399/09
Angel L.,	NN3400/09
Ethan L.,	NN3401/09
Lina L.,	NN3402/09
Mia R.	NN3403/09
and Phillip R., Jr.,	NN6498/09

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

- - - - -
Administration for Children's Services,
Petitioner-Respondent,

Maria R.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother, Maria R., having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, Bronx County, entered on or about November 4, 2009 and January 14, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. (914) 834-3053, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 27, 2010.

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

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

Jayden C., also known as Jayden R.,

M-1358

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

Docket No. B00610/09

- - - - -
Community Counseling and Mediation,
Petitioner-Respondent,

Edwin C.,
Respondent-Appellant,

Michelle R.,
Respondent-Appellant.

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

-----X
Respondent-appellant mother, Michelle R., having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about November 30, 2009, and for assignment of counsel, a free copy of the transcript, and 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. (212) 233-0318, as

May 27, 2010

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

ENTER:

A handwritten signature in cursive script that reads "David Apolony". The signature is written in dark ink and is positioned to the right of the word "ENTER:". Below the signature, the word "Clerk." is printed in a standard serif font.

Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 27, 2010.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

-against-

M-2136
Ind. No. 5272/07

Kelly McTiernan,
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 January 26, 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, 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.

Glenn A. Garber, Esq., Glenn A. Garber, P.C., 350 Broadway, Suite 1207, New York, NY 10013, Telephone No. (212) 965-9370, 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 27, 2010.

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

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

Kriss Hawthorne,
Petitioner-Appellant,

M-1338

M-1584

For a Judgment, etc.,

Index No. 402781/09

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about January 14, 2010 (mot. seq. no. 001), for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for a stay of eviction, pending hearing and determination of said appeal, and for related relief (M-1338),

And respondent-respondent having cross-moved for the dismissal of petitioner's appeal (M-1584),

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 (M-1338) is granted only 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 on or before August 9, 2010 for the October 2010 Term. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks a stay of eviction is denied.

Respondent's cross motion (M-1584) to dismiss petitioner's appeal is granted unless petitioner perfects the appeal for said October 2010 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the 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 27, 2010.

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

-----X
Nationwide Insurance Company,
Petitioner-Respondent,

-against-

M-1255
Index No. 303978/07

Joane Gary, et al.,
Respondents,

Drive New Jersey Insurance Company,
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about May 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 27, 2010.

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

-----X
Djemory Koroma,

Plaintiff-Respondent,

-against-

M-1317
Index No. 570264/09

Maximo Mieses and S.R.M. Mgt. Corp.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, Bronx County, on or about August 25, 2009,

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

It is ordered that the motion is 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 27, 2010.

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

-----X
Linda Krown,

Plaintiff-Appellant,

-against-

M-1550
Index No. 570691/09

Jeffrey I. Mechanic, MD, PC and
Dr. Elise Brett,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about January 14, 2010, and for a stay of trial pending hearing and determination of said appeal,

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

It is ordered that the motion 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 27, 2010.

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

-----x
Hartford Accident and Indemnity Company,
First State Insurance Company, Twin
City Fire Insurance Company and
Arrowood Indemnity Company,
Plaintiffs-Appellants,

-against-

M-1597
Index No. 108375/08

ACF Industries LLC,
Defendant-Respondent,

-and-

AIG Casualty Company, et al.,
Defendants.

-----x

Defendant-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about April 22, 2009 (mot. seq. no. 001), 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 27, 2010.

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

-----x
In the Matter of the Application of
Patricia Andrews,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1770
Index No. 400097/09

New York City Housing Authority,
Respondent.

-----x

Respondent having moved for dismissal of the proceeding transferred to this Court by order of the Supreme Court, New York County, entered on or about June 1, 2009 (mot. seq. no. 001), 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 proceeding 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 27, 2010.

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

-----X
Paul O. Hynard,

Plaintiff-Appellant,

-against-

M-1816
Index No. 570349/09

James J. Hyer,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about October 21, 2009; for leave to prosecute said appeal as a poor person 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 in its entirety.

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 27, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Amire B.,

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

M-1395
Docket No. NA230/08

Administration for Children's Services,
Petitioners-Respondents,

Selika B.,
Respondent-Appellant.

Michael Moorman, Esq., Lawyers for
Children,
Law Guardian for the Child.

-----X

Respondent-appellant mother, Selika B., 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 March 9, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 682-2171, as counsel for purposes of prosecuting the appeal;

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

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 27, 2010.

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

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

-against-

M-1417
Ind. No. 6433/05

Paul Cortez,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 23, 2007, and said appeal having been perfected,

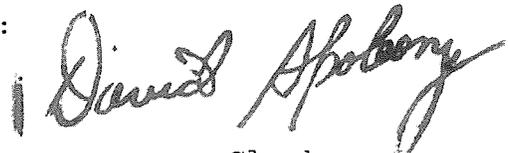
And an appeal having been taken from the order of said Supreme Court, entered on or about October 20, 2008, denying defendant's motion for DNA testing of certain evidence,

And defendant having moved for a stay, pending hearing and determination of the direct appeal herein, of defendant's appeal from the order entered on or about October 20, 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 defendant's direct appeal is adjourned 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 27, 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-1707
Ind. No. 6093/09

Jose A. Feliz,
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 February 8, 2010, 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 only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, insofar as it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

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 27, 2010.

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

-----X
In the Matter of

Kevin N. and Leah M.,

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

- - - - -
Administration for Children's
Services,
Petitioner-Respondent,

M-1793
Docket No. NN-27386-7/08

Anthony M.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about March 22, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 385 Warburton Avenue, Hasting on Hudson, NY 10706, Telephone No. (914) 439-4843, as counsel for purposes of prosecuting the

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

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 27, 2010.

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

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

Jennifer J.,
Petitioner-Appellant,

-against-

M-1797
Docket Nos. V-15497-02/08
V-15498-02/08

Robert P. D.,
Respondent-Respondent.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about February 18, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Julian A. Hertz, Esq., 15 Sherwood Drive, Larchmont, NY 10538, Telephone No. (914) 834-5461, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal,

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

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 27, 2010.

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

-----X
Desrene Sylvester, et al.,

Plaintiffs-Appellants,

-against-

M-1836
Index No. 106800/03

The City of New York, et al.,

Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 4, 2009 (mot. seq. no. 004),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 27, 2010.

PRESENT - Hon. David B. Saxe, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Nelson S. Román, Justices.

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

-against-

M-575
Ind. No. 8131/97

Carl Dushain,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 17, 2004 (Appeal No. 3938), unanimously affirming a judgment of the Supreme Court, New York County (Leslie Crocker Snyder, J.), rendered on February 2, 1999,

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 27, 2010.

Present: Hon. David Friedman, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Benjamin Cunningham,
Plaintiff-Appellant,

-against-

M-1869
Index No.401014/09

David Newman, M.D., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about December 30, 2009, 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.

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 27, 2010.

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

-----X
Diamond Point Excavation Corp.,
Plaintiff-Respondent,

-against-

M-2401
Index No. 604171/05

O.I.G. Agencies, Inc., also known as
O.I.G. Agency, Inc.,
Defendant-Appellant,

-and-

I. Arthur Yanoff & Co. Jersey Ltd.,
Scottsdale Insurance Company and
Burlington Insurance Company,
Defendants.

-----X

Defendant-appellant O.I.G. Agencies, Inc., also known as O.I.G. Agency, Inc. having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 2, 2010 (mot. seq. no. 007),

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 27, 2010.

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

-----X
Lizden Industries, Inc.,
Plaintiff-Respondent,

-against-

M-2535
Index No. 601420/06

Franco Belli Plumbing and Heating
and Sons, Inc., Okanaga U.S.A.
Co., Ltd. and Kazuhide Yamazaki,
Defendants-Appellants.

-----X

Defendant-appellant Okanaga U.S.A. Co., Ltd. having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 13, 2009 (mot. seq. no. 001),

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

It is ordered that the motion is denied.

ENTER



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 27, 2010.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
James M. Catterson
Dianne T. Renwick
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
In re James J. Seiferheld,
Petitioner-Appellant,

-against-

M-1279
Index No. 114351/07

Raymond Kelly, etc., et al.,
Respondents-Respondents.
-----X

Respondents-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 11, 2010 (Appeal No. 1833),

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 reargument is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court which reversed the order of the Supreme Court properly made?"

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

ENTER:


Clerk

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-1308
Ind. No. 583/93

-against-

CERTIFICATE
DENYING LEAVE

Raymond Douglas, Defendant.
-----X

I, Hon. Leland G. DeGrasse, 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 February 4, 2010, is hereby denied.

Dated: May 11, 2010
New York, New York

95

Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

MAY 27 2010

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-1988
Ind. No. 3729/97

-against-

CERTIFICATE
DENYING LEAVE

Curtis Davis, Defendant.
-----X

I, Hon. Leland G. DeGrasse, 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, entered on or about February 1, 2010, is hereby denied.

Dated: May 11, 2010
New York, New York



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

MAY 27 2010

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. Mazzarelli, 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, reading "David Apalony". 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.

PM ORDERS

ENTERED

MAY 27, 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 27, 2010.

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

-----x

Gail P. Cleary,

Plaintiff-Respondent-Appellant,

-against-

M-2111

Index No. 101067/07

Bloomington's Inc. and Federated
Department Stores, Inc.,

Defendants-Appellants-Respondents.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 28, 2009 (mot. seq. no. 002),

And defendants-appellants-respondents having moved for a stay of trial pending hearing and determination of the direct appeal, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Lester Schwab Katz & Dwyer, LLP (Harry Steinberg, of counsel), counsel for defendants dated April 26, 2010, and due deliberation having been had thereon,

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

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 27, 2010.

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

-----X
Performance Comercial Importadora E
Exportadora Ltda,
Plaintiff-Respondent,

-against-

M-2393

Index No. 603490/01

Sewa International Fashions PVT.,
Ltd., et al.,
Defendants,

Star of India Fashions, Inc.,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 13, 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 granted on condition the appeal is perfected on or before August 9, 2010 for the October 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon defendant-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 27, 2010.

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

-----X
Kenzie Godfrey,
Plaintiff-Respondent-Appellant,

-against-

G.E. Capital Auto Lease, Inc.,
et al.,
Defendants-Respondents,

M-1109A
M-1297A
Index No. 7963/02

Balhar Singh, Resihma Singh and
Boating Adjei,
Defendants-Appellants-Respondents.

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

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 29, 2009,

And defendants-appellants-respondents having moved for an enlargement of time in which to perfect the direct appeal (M-1109A),

And defendant-respondent G.E. Capital Auto Lease, Inc. having cross-moved to dismiss defendants' direct appeal (M-1297A),

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 to enlarge time (M-1109A) is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the September 2010 Term. The cross motion to dismiss defendants' direct appeal (M-1297A) is granted unless the appeal is perfected for said September 2010 Term. 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 defendants-appellants-respondents within 10 days after the date of entry hereof. Should defendants fail to so perfect, plaintiff is directed to perfect the cross appeal as a direct appellant for the next available Term of Court. The order of this Court entered on May 6, 2010 (M-1109/M-1297) is hereby recalled and vacated.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 27, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Linda Boyd,
Plaintiff-Respondent,

-against-

M-2619
Index No. 14783/99

Manhattan and Bronx Surface
Transit Operating Authority
and New York City Transit
Authority,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of re-trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about November 30, 2009,

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

It is ordered that the motion 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 27, 2010.

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

-----X

Dany Moyal,
Plaintiff-Respondent-Appellant,

M-2272
M-2509

-against-

Index No. 350058/07

Marc Moyal,
Defendant-Appellant-Respondent.

-----X

Appeals and cross appeals having been taken from the order of the Supreme Court, New York County, entered on or about August 25, 2009 (mot. seq. no. 004) and the judgment of said Court entered on or about January 6, 2010, respectively, and a separate appeal having been taken by defendant from the order of said Court entered on or about October 13, 2009,

And defendant-appellant-respondent having moved for an order striking certain portions of plaintiff-respondent-appellants' brief, rejecting a certain ex parte letter, dated April 10, 2010, submitted to the Clerk of the Court, and for other relief (M-2272),

And plaintiff-respondent-appellant having cross-moved to dismiss defendant-appellant-respondent's appeal(s) (M-2509),

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

Ordered that the motion (M-2272) is denied without prejudice to addressing the issue of the aforesaid ex parte letter at argument, and the motion is otherwise denied. The cross motion to dismiss the appeal (M-2509) 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 27, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe
David Friedman
John W. Sweeny, Jr.
Eugene Nardelli
John T. Buckley
James M. Catterson
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
In the Matter

of

M-1049

Sanctioning Attorneys who are Not in
Compliance with Judiciary Law §468-a.
-----x

WHEREAS, attorneys admitted to practice in the State of New York are obligated to register biennially with the Office of Court Administration and pay a licensing fee in the amount of \$350 to that administrative office pursuant to Judiciary Law Section 468-a; and

WHEREAS, the aforementioned statute provides that an attorney's failure to comply with these obligations constitutes conduct prejudicial to the administration of justice and directs that the Office of Court Administration refer such attorneys who are in default of the statute to the appropriate appellate division for disciplinary action; and

WHEREAS, the Office of Court Administration has forwarded to the Departmental Disciplinary Committee and the Office of the Clerk of the Appellate Division First Department a list consisting of the names of approximately 1700 attorneys, admitted to practice law in the State of New York, required to register for the biennial periods 2004-2005 and/or 2006-2007, whose surnames begin with the letter "L" through "Z" inclusive, who have not responded to a First Class mailing advising said attorneys of the necessity to comply with Judiciary Law § 468-a, nor to two subsequent mailings of said notice, or final notice to cure default by publication in the New York Law Journal on October 31, 2008, and

WHEREAS, the Departmental Disciplinary Committee, having submitted to this Court a Notice of Petition to Suspend the aforesaid attorneys, supported by the affidavit of Samuel H. Younger, Esq., Deputy Director of the Office of Court Administration dated February 25, 2010 and the other exhibits annexed to the aforesaid notice of petition, and

The Departmental Disciplinary Committee by its Chief Counsel Alan W. Friedberg (Mady J. Edelstein, of counsel) having moved this Court on March 30, 2010 for an order directing service by publication of the aforesaid Petition to Suspend upon those attorneys in default,

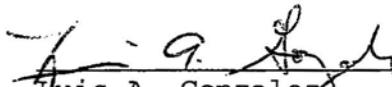
Now, upon reading and filing the papers with respect to the motion for an order authorizing service by publication of the Petition to Suspend, and pursuant to Judiciary Law Section 90 subd.(6), the Presiding Justice being satisfied that the aforesaid attorneys in default cannot with due diligence be served personally with the Notice of Petition to Suspend them from the practice of law in the State of New York, it is

ORDERED that such attorneys whose names appear on the Default List shall receive notice by publication in the New York Law Journal of their names and last known business addresses or in the absence of a business address, the home address of the defaulting attorney, on five consecutive business days; and said notice shall be posted on the Court website at www.courts.state.ny.us, and

IT IS FURTHER ORDERED that such attorneys shall be advised in the aforesaid notice that upon failure to register and pay all outstanding fees, or provide proof of prior registration and payment of such fees, within thirty days of last date the notice appears in the New York Law Journal, the Court will issue a subsequent order immediately suspending them from the practice of law in the State of New York.

E N T E R:

FOR THE COURT



Luis A. Gonzalez
Presiding Justice