

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 November 4, 2010.

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

-----X
ING Prime Rate Trust, etc., et al.,
Plaintiffs-Respondents,

-against-

Freescall Semiconductor, Inc.,
Defendant-Appellant.
-----X

M-5158
Index No. 600906/09

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 4, 2009 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, dated July 19, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 2010 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Ari Kramer, as Administrator of
the Estate of Irving T. Bush
and as Executor of the Estate of
Virginia Casey Bush,
Plaintiff-Respondent,

-against-

M-4871
Index No. 101978/05

Ioannis Danalis,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 24, 2010 (mot. seq. no. 020),

Now, upon reading and filing the stipulation of the parties hereto, dated September 28, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2010 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Jacqueline Marrero,
Plaintiff-Respondent,

-against-

M-4887
Index No. 14256/07

Tricon Ltd., doing business as Triad
International, et al.,
Defendants-Appellants,

-and-

Syndou Doumbia,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 23, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated September 15, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2010 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Maha Elsayed,
Plaintiff-Respondent,

-against-

M-4916
Index No. 13978/07

Pick Quick Foods, Inc., doing business
as Key Food,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 17, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated September 27, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2010 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Luis Molina, Jr.,
Plaintiff-Appellant,

-against-

M-5196
Index No. 22270/05

L.A. Taxi, Inc. and Imran Pervez,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 16, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated September 16, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2010 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Lex 65 Lender LLC,
Plaintiff-Appellant,

-against-

Lex 65 LLC and Trevor Davis,
Defendants-Respondents,

-and-

M-5157
Index No. 603259/09

New York State Department of Taxation
and Finance and MRC II Contracting Inc.,
Defendants,

MRC II Contracting Inc.,
Counterclaim Plaintiff,

-against-

Lex 65 Lender LLC, et al.,
Counterclaim Defendants.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about August 3, 2010 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated October 14, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 2010 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Margaret Lancaster,
Plaintiff-Respondent,

-against-

City of New York, Tribeca Park,
et al., etc.,
Defendants,

M-5135
Index No. 114337/04

Battery Park City Authority,
et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 5, 2010 (mot. seq. no. 004),

Now, upon reading and filing the stipulation of the parties hereto, dated October 6, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2010 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

-against-

M-4542
Ind. No. 6063/99

Hector Albizu,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about January 14, 2009,

And counsel for defendant having moved for an order dismissing 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 deeming the appeal withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on November 4, 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-4978
Ind. Nos. 3000/10
179/08

Antonio Albino,
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 July 14, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 November 4, 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-4979
Ind. No. 3989/08

Celso Alvarez,
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 June 22, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 November 4, 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-4980
Ind. No. 2931/08

Carlos Ariza,
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 September 14, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 November 4, 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-4981
Ind. No. 3996/09

Ross Atherly,
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 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, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 November 4, 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-4983
Ind. Nos. 6015N/07
2967N/09

Luis Bernal,
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 July 27, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 November 4, 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-4984
Ind. No. 1450N/05

Troy Blanding, also known as Tray
Blanding,
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 June 23, 2006, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b) (2) of the Rules of 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 November 4, 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-4987
Ind. No. 927/07

Andre Fernandez, also known as Dre,
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 July 15, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 November 4, 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-4988
Ind. No. 1137/07

Earl Fowler,
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 August 27, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 November 4, 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-4989
Ind. No. 2654/09

Jeremy Gizze,
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 June 2, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 November 4, 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-4990
Ind. No. 1585/09

Samuel Gonzalez,
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 July 14, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 November 4, 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-4991
Ind. No. 3946/09

Kevin O. Hamilton,
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 August 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, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 November 4, 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-4994
Ind. No. 5753/08

Troy Hill,
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 December 12, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 November 4, 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-4995
Ind. No. 5704N/08

Alejandrina Jaen, also known as
Alejandrin Jaen,
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 September 1, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 November 4, 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-4996
Ind. Nos. 9724/98
5382/04

George Leeper,
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 July 27, 2010, denying resentence, for leave to have the appeal heard upon the original record and upon a reproduced appellants' 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 appellants' brief, on condition that appellants serve one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

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 appellants 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 November 4, 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-4997
Ind. No. 3111/04

Anthony J. Manfredonia, also known
as Anthony Marone,
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 April 6, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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.

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 November 4, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Richard T. Andrias
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----x
Yoda LLC, et al.,
Plaintiffs-Respondents-Appellants/
Plaintiffs-Respondents,

-against-

National Union Fire Insurance Company M-4968
of Pittsburgh, PA, Index No. 115498/06
Defendant-Appellant-Respondent/
Defendant-Respondent,

-and-

Han Soo Lee, et al.,
Defendants.

-----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 July 8, 2010 (mot. seq. no. 012), and said appeal and cross appeal having been perfected,

And a separate appeal having been taken to this Court by defendant National Union Fire Insurance Company of Pittsburgh, PA from the order of said Court entered on or about September 15, 2010,

And defendant National Union Fire Insurance Company of Pittsburgh, PA having moved for a stay of trial pending hearing and determination of the perfected appeal and cross appeal,

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

It is ordered that the motion is granted.

ENTER:


Clerk

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

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----x
Eric Berrios,

Plaintiff-Respondent,

-against-

M-4925
Index No. 21193/06

735 Avenue of the Americas, LLC and
Plaza Construction Corp.,

Defendants-Appellants.
-----x

Appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 8, 2010, and from the order of said Court entered on or about July 2, 2010, and said appeals having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid 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 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 November 4, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Eugene Nardelli
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
In the Matter of the Application of
Ed Watt, etc., et al.,
Petitioners-Respondents,

For a Judgment, etc.,

M-5052
Index No. 112001/09

-against-

Howard H. Roberts, Jr., etc., et al.,
Respondents-Appellants.

-----X

An appeal having been taken to this Court by the above-named respondents from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 18, 2009,

And Peter Kalikow having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal, and for other relief,

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

It is ordered that the motion is denied.

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 November 4, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Eugene Nardelli
Rosalyn H. Richter
Nelson S. Román, Justices.

-----x
Lisa Bishop, et al., etc.,

Plaintiffs-Appellants-Respondents,

-against-

Rona Maurer, etc.,

Defendant-Respondent-Appellant.
-----x

Surrogate's Court
M-5038
File No. 0575-2005

An appeal and cross appeal having been taken to this Court from the order of the Surrogate's Court, New York County, entered on or about November 23, 2009,

And defendant-respondent-appellant having moved for dismissal of the direct appeal or, in the alternative, for leave to enlarge the record on appeal to include movant's notice of cross appeal and preargument statement (Exhibit 1 to the moving papers),

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 defendant-respondent-appellant to file a supplemental record on appeal containing the aforesaid exhibit and adjourning the appeal and cross appeal to the January 2011 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 November 4, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Eugene Nardelli
Rosalyn H. Richter
Nelson S. Román, Justices.

-----x
Joshua Hannah, an infant under the age
of 14 years by his mother and natural
guardian Dionne Jackson,
Plaintiff-Appellant,

-against-

M-4976
Index No. 6286/04

Gail Chorney, M.D., New York
Presbyterian Hospital and Columbia
Presbyterian Medical Center,
Defendants-Respondents.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about April 23, 2009,

And defendants-respondents having moved for leave to file a supplemental record on appeal (Exhibit B to the moving papers),

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 November 4, 2010.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----x
Destinee Holloman, etc., et al.,

Plaintiffs-Respondents,

-against-

M-5031
Index No. 17964/05

Manginelli Realty Co., Inc., et al.,

Defendants-Respondents.

- - - - -
Garbarini & Scher, P.C.,

Non-Party Appellant.
-----x

Non-party appellant having moved for a stay of proceedings, including trial, pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about September 24, 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.

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 November 4, 2010.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----x
Josue Gonzalez,
Plaintiff-Respondent,

-against-

M-5058
Index No. 21331/06

Oak Point Development, LLC., et al.,
Defendants-Appellants,

Dandylion Farm, Inc., et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 14, 2010, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:


Clerk

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

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

-----X
Yenem Corp.,
Plaintiff-Appellant,

-against-

Index Nos. 116156/07
590343/08

281 Broadway Holdings, et al.,
Defendants-Respondents.

[And Other Actions]

M-3859
M-3892
M-4451

Randall Co., LLC,
Plaintiff-Respondent,

-against-

Index Nos. 100982/08
590928/08

281 Broadway Holdings, et al.,
Defendants-Appellants,

John Doe, et al.,
Defendants.

281 Broadway Holdings LLC, et al.,
Third-Party Plaintiffs-Appellants,

-against-

Hunter Atlantic, Inc.,
Third-Party Defendant-Respondent,

Geotechnical Services Corp., et al.,
Third-Party Defendants.

-----X

Plaintiff-respondent Randall Co., LLC having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 29, 2010 (Appeal Nos. 1220-1221) [M-3859],

And plaintiff-appellant Yenem Corp. having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court [M-3892],

And plaintiff-appellant Yenem Corp. having moved, by separate motion, for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the corrected decision and order of this Court entered on August 3, 2010 (Appeal Nos. 1220-1221) [M-4451],

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

It is ordered that the motion (M-3892), is dismissed as superceded by the subsequent motion (M-4451), and it is further,

Ordered that the motion (M-3859) is deemed to be from the corrected decision and order of this Court entered on August 3, 2010 (Appeal Nos. 1220-1221), and insofar as the motions (M-3859/M-4451) seek reargument, are denied. The motions, to the extent they seek leave to appeal to the Court of Appeals, are 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 corrected decision and order of this Court, which affirmed the order of the Supreme Court entered September 18, 2008, and reversed an order of said Court entered January 29, 2009, 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.

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 November 4, 2010.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----x
Little Rest Twelve, Inc., et al.,
Plaintiffs,

-against-

M-5107
Index No. 600676/07

Raymond Visan, et al.,
Defendants.

- - - - -
Nina Zajic and David Kay,
Non-Party Movants.

- - - - -
[And other actions]
-----x

Non-party movants, Nina Zajic and David Kay, having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about April 2, 2010,

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

It is ordered that the motion is denied.

ENTER:


Clerk

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

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Samantha H.,

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

M-4394

Docket No. NN8017-06/09C

Administration for Children's Services,
Petitioner-Respondent,

Samuel H.,
Respondent-Appellant.

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

-----X
An appeal having been taken by respondent father from orders of the Family Court, New York County, entered on or about November 17, 2009 and on or about November 23, 2009, respectively,

And respondent father having moved to withdraw his aforesaid appeal,

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

Ordered that the motion is granted and the appeal 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 November 4, 2010.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Nelson S. Román, Justices.

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

-against-

M-4458
Ind. No. 5296/07

William Jones,
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 November 14, 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 January 3, 2011 for the March 2011 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 November 4, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Nelson S. Román, Justices.

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

-against-

M-4449
Ind. No. 3914/08

Robert Camarano,
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 June 21, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 November 4, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
Wilson Brea, an infant under the age of 18 years, by his mother and natural guardian, Yuderka Alejandro, and Yuderka Alejandro, individually,
Plaintiffs-Appellants,

M-4274
Index No. 18397/07

-against-

New York City Board of Education,
et al.,
Defendants-Respondents.

-----X

Plaintiff-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 October 22, 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 February 2011 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 November 4, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
Wachovia Bank, N.A.,

Plaintiff-Respondent,

-against-

M-4959
Index No. 602796/09

Harvey Silverman, et al.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the orders of the Supreme Court, New York County, entered on or about February 25, 2010 (mot. seq. no. 002) and June 29, 2010 (mot. seq. no. 001), 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 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 November 4, 2010.

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

-----X
William Jerome Depugh, as assignee of
Chattels and Credits, etc., et al.,
Plaintiffs-Appellants,

-against-

M-3852
Index No. 302711/09

Dashnor Lita, also known as Jack Lita,
et al.,
Defendants-Respondents.

-----X

An order of this Court having been entered on July 6, 2010 (M-2351/M-2532/M-2664) dismissing the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 14, 2010,

And plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the aforesaid order of this Court entered on July 6, 2010 (M-2351/M-2532/M-2664),

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 November 4, 2010.

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

-----X

CC Vending, Inc.,
Plaintiff-Appellant,

-against-

M-3587

M-3783

Index No. 600394/10

Berkeley Educational Services of
New York, Inc.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved, by separate motions, for reargument of (M-3587) or, in the alternative, for leave to appeal to the Court of Appeals (M-3783) from the decision and order of this Court entered on June 15, 2010 (Appeal No. 3043),

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

It is ordered that the motions are denied.

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 November 4, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Diane T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Thomas P. Ivanyi,

Plaintiff-Appellant,

-against-

M-4553
Index No. 350019/09

Marlin S. Potash,

Defendant-Respondent.
-----X

Defendant-respondent having moved for an order dismissing plaintiff-appellant's appeal taken from the order of the Supreme Court, New York County, entered on or about June 8, 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 to dismiss the appeal is granted unless the appeal is perfected for the April 2011 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 plaintiff-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 November 4, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
In re Estate of William Gottlieb,
Deceased.

Irving Bender, et al., M-3165
Petitioners-Respondents, M-3359
M-3626
Index No. 4037/99

Cheryl I. Dier, et al.,
Objectors-Appellants.

- - - - -
In re Mollie Bender,
Deceased,

Irving Bender, et al., Index No. 2497/07
Petitioners-Respondents,

Michael Corbett,
Objector-Appellant.

-----X

Objector-appellant Michael Corbett having moved, by separate motions, for reargument of (M-3165) or, in the alternative, for leave to appeal to the Court of Appeals (M-3359) from the decision and order of this Court entered on May 18, 2010 (Appeal No. 1519-23), and for leave to strike petitioner's response on the motion (M-3626),

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

It is ordered that the motions (M-3165/M-3359/M-3626) are denied (See M-3452/M-3156, 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 November 4, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
In re Estate of William Gottlieb,
Deceased.

Irving Bender, et al., M-3452
Petitioners-Respondents, M-3156
Index No. 4037/99

Cheryl I. Dier, et al.,
Objectors-Appellants.

- - - - -
In re Mollie Bender,
Deceased,

Irving Bender, et al., Index No. 2497/07
Petitioners-Respondents,

Michael Corbett,
Objector-Appellant.

-----X

Objector-appellant Cheryl Dier Corbett having moved, by separate motions, for reargument of (M-3452) or, in the alternative, for leave to appeal to the Court of Appeals (M-3156) from the decision and order of this Court entered on May 18, 2010 (Appeal No. 1519-23),

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

It is ordered that the motions (M-3156/M-3452) are denied (See M-3165/M-3359/M-3626, 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 November 4, 2010.

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

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

-against-

M-4720
Ind. No. 4554/04

Yolanda Griffin,
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 June 11, 2010, denying resentence, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

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 November 4, 2010.

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

-----X
Tishman Construction Corporation
of New York,

Plaintiff-Appellant,

-against-

M-4370
Index No. 110284/06

Lumbermens Mutual Casualty Company
and Seasons Contracting Corp.,

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 October 26, 2009 (mot. seq. no. 005),

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 February 2011 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 November 4, 2010.

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

-----X
In the Matter of

Andre L.,

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

M-4434
Docket No. NN12247/07

Administration for Children's Services,
Petitioner-Respondent,

Yolanda L.,
Respondent-Appellant.

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

Respondent-appellant having renewed her motion for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about July 19, 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, John J. Marafino, Esq., 9 West Prospect Avenue, Suite 409, Mount Vernon, NY 10550, Telephone No. (914) 663-1500, as counsel for purposes of prosecuting the

appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal, in compliance with Rule 600.11(b)(2) and (c) of the Rules of this Court, 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 November 4, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
Eugene Nardelli
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4545
Ind. No. 4126/02

Ronald McFadden,
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 August 6, 2010, denying resentence, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

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 November 4, 2010.

Present: Hon. David Friedman, Justice Presiding,
Eugene Nardelli
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-4319
Ind. No. 1884/06

Robert Bland,

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 May 18, 2010, denying resentence, 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 post the \$125,000 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 November 4, 2010.

Present: Hon. David Friedman, Justice Presiding,
Eugene Nardelli
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

Stray from the Heart, Inc.,

Petitioner-Respondent,

M-4643

Index No. 100180/09

For a Judgment, etc.,

-against-

Department of Health and Mental Hygiene
of the City of New York, et al.,

Respondents-Appellants.
-----X

Respondents-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 December 22, 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 to the extent of enlarging the time in which to perfect the appeal to the February 2011 Term, with no further enlargements to be granted.

ENTER:


Clerk.

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

PRESENT: Hon. David Friedman, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Mindaugas Blaudziunas, et al.,
Plaintiffs-Appellants,

-against-

M-3402
Index No. 102183/08

Edward Cardinal Egan, etc., et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 29, 2010 (Appeal No. 598),

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

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

"Was the order of Supreme Court, as affirmed by this 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.

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 November 4, 2010.

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

-----X

Ted Moustakis,

Plaintiff-Appellant,

-against-

M-3183
Index No. 117179/07

Christie's, Inc., et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant 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. 1847),

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 November 4, 2010.

PRESENT: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3456
Ind. No. 8645/88

Luis Arana, also known as Fernando
Franco,
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 16, 2010, denying resentence, 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 8 reproduced copies of such brief, together with the original record, pursuant to Rule 600.11(b) (2) of the Rules of this Court.

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 November 4, 2010.

Present: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Manuel De La Cruz, etc., et al.,
Plaintiffs-Appellants,

-against-

M-4093
Index No. 26220/02

Caddell Dry Dock & Repair Co., Inc.,
et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for an order dismissing plaintiffs-appellants' appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 19, 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 to dismiss the appeal is granted unless the appeal is perfected on or before January 3, 2011 for the March 2011 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided defendants-respondents serve a copy of this order upon plaintiffs-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 November 4, 2010.

Present: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Michael Berr,

Plaintiff-Respondent,

M-3778

M-3994

-against-

Index No. 306370/08

Elaine R. Berr,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 11, 2009,

And plaintiff-respondent having moved for an order dismissing defendant's appeal (M-3778),

And defendant-appellant having cross-moved for an order deeming her notice of appeal timely filed, or for other relief (M-3994),

Now, upon reading and filing the papers with respect to the motion and cross motion, and the stipulation of the parties, dated September 30, 2010, and due deliberation having been had thereon, it is

Ordered that the motion and cross motion are denied, without prejudice to addressing the issues directly on the appeal, which is adjourned to the January 2011 Term in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

PRESENT: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Clotilde Crespo,
Plaintiff-Respondent,

-against-

M-3772
Index No. 570005/10

T-Mobile U.S.A., Inc.,
Defendant-Appellant,

-and-

Verizon Communications, Inc.,
Defendant.

-----X
T-Mobile USA, Inc.,
Third-Party Plaintiff,

-against-

L.S.L. Services, Inc., also known as
LSL Services, Inc. and Verizon
Communications, Inc.,
Third-Party Defendants.

-----X

Plaintiff-respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about May 3, 2010,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

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

Present: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
DKR Soundshore Oasis Holding Fund Ltd.,

Plaintiff-Appellant,

-against-

M-5081
Index No. 650327/09

Merrill Lynch International, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 14, 2010,

And an order of this Court having been entered on September 14, 2010 (M-4142), granting International Swaps and Derivatives Association, Inc. leave to file an amicus curiae brief in connection with the aforesaid appeal,

And plaintiff-appellant having moved for leave to file a brief in response to the aforesaid amicus curiae brief,

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

Ordered that the motion is denied, without prejudice to plaintiff presenting objections at the time of argument of the appeal.

ENTER:


Clerk.

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

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Despina Violos,
Plaintiff,

M-3993

-against-

Index No. 15602/85
(New York County)

Edward K.C. Sieh (Shea), et al.,
Defendants.

Despina N. Violos,
Plaintiff,

-against-

Index No. 22985/92
(Bronx County)

Richard M. Duignan, Esq., et al.,
Defendants.

Petro Sarantakos,
Plaintiff,

-against-

Index No. 114559/02
(New York County)

Despina Violos, etc.,
Defendant.

-----X

Plaintiff/defendant Despina Violos having moved, inter alia, for vacatur of the judgment of the Supreme Court, New York County, entered July 23, 2002, in the action entitled *Sarantakos v Violos* (Index No. 114559/02), and for additional 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 November 4, 2010.

Present: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3400
Ind. No. 2733/09

Kennedy Howe,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 17, 2009,

And an order of this Court having been entered on September 24, 2009 (M-3759) granting defendant's motion for poor person relief and assigning Robert S. Dean, Esq., as counsel for purposes of prosecuting the appeal,

And defendant having moved for an order relieving assigned counsel, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and correspondence from defendant, dated September 17, 2010, and due deliberation having been had thereon, it is

Ordered that defendant's motion to relieve assigned counsel is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


Clerk.

PM ORDERS

ENTERED

OCTOBER 28, 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 October 28, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----x
Broadway 500 West Monroe Mezz II LLC,
et al.,
Plaintiffs-Appellants,

-against-

M-5097
Index No. 651420/10

Transwestern Mezzanine Realty Partners
II, LLC, et al.,
Defendants-Respondents.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County entered on or about September 16, 2010,

And an order of this Court having been entered on September 30, 2010 (M-4539), granting of stay of proceedings on condition appellants post an undertaking and perfect the appeal for the January 2011 Term,

And plaintiffs-appellants having moved for an order enlarging the record on appeal to include a certain affidavit (Exhibit A to the moving papers), and for alternative relief,

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

It is ordered that the motion is 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 October 28, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Eugene Nardelli
Rolando T. Acosta, Justices.

-----x
Robert M. Morgenthau, District Attorney
of New York,
Plaintiff-Respondent,

-against-

M-3838
Index No. 400516/06

Western Express International, Inc.
and Vadim Vassilenko,
Defendants-Appellants.

Yelena Barysheva and Alexey Barishev,
Defendants.

- - - - -

John DeMaio, Esq.,
Non-Party Attorney Assignee.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 22, 2009 (mot. seq. no. 008) and said appeal having been argued on June 9, 2010 (Appeal No. 3181) and a subsequent order of the Supreme Court having been entered July 22, 2010 directing entry of a judgement in favor of plaintiff,

And John DeMaio, Esq., counsel for defendants-appellants Western Express International, Inc. and Vadim Vassilenko, having moved for a stay of execution of said judgment with respect to attorneys fees pending determination of the aforesaid appeal, 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 plaintiff-respondent to hold \$68,820 in an escrow account to be used to compensate John DeMaio, Esq., counsel for the above-said defendants-appellants, in the event defendants-appellants prevail with respect to the issue of attorney's fees, and the motion is otherwise denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 28, 2010.

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

-----X
In the Matter of

Jamoneisha M.,

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

M-4860
Docket No. NN2400/09

Administration for Children's
Services,
Petitioner-Respondent,

Ebony M.,
Respondent-Appellant.

Kenneth M. Tuccillo, Esq.,
Law Guardian for the Child.

-----X

Appeals having been taken from orders of the Family Court, Bronx County, entered on or about October 27, 2009 and on or about November 17, 2009,

And law guardian for the Child, Linda McCarthy, Esq., having moved for an order to be relieved as law guardian and to substitute other counsel to respond to 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 relieving movant as law guardian and substituting, pursuant to

Article 18b of the County Law and § 1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 385 Warburton Avenue, Hastings on Hudson, New York, NY 10706, Telephone No. (914) 439-4843, as law guardian for purposes of responding to the appeal, which is sua sponte adjourned to the February 2011 Term.

Enter:

A handwritten signature in black ink that reads "David Apolony". The signature is written in a cursive style with a large, looping 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 October 28, 2010.

Present - Hon. David Friedman, Justice Presiding,
James M. Catterson
Karla Moskowitz
Diane T. Renwick
Sheila Abdus-Salaam, Justices.

-----x
Edward A. Kaminsky,
Plaintiff-Appellant,

-against-

M-4956
Index No. 602540/09

Herrick, Feinstein LLP,
Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County entered on or about March 24, 2010,

And an order of this Court having been entered on August 17, 2010 (M-3290), granting defendant-respondent's motion to dismiss the appeal unless perfected for the December 2010 Term, as indicated,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated October 12, 2010, and due deliberation having been had thereon,

It is ordered that the motion is granted in accordance with the aforesaid stipulation to the extent that plaintiff's appellant's time to perfect the appeal is enlarged to on or before November 8, 2010 for the January 2011 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 appellant within 10 days after the date of entry hereof.

ENTER:



Clerk.

PM ORDERS

ENTERED

NOVEMBER 04, 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 November 4, 2010.

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

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

Basil D.,

Petitioner-Appellant,

M-4869

Docket No. 030212/08

-against-

Wanda D.,

Respondent-Respondent.

-----X
An order of this Court having been entered on April 15, 2010 (M-1119/M-1416), inter alia, assigning Richard M. Greenberg, Esq., as counsel to prosecute petitioner's appeal from the order of the Family Court, Bronx County, entered on or about February 18, 2009,

Now, upon the Court's own motion,

It is ordered that the designation of Richard M. Greenberg, Esq., as counsel to prosecute appellant's appeal is stricken, and pursuant to Article 18B of the County Law and §1120 of the Family Court Act, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, NY 10013, Telephone No. (212) 603-2330, is substituted as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



Clerk.

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

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

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

Basil D.,

Petitioner-Appellant,

M-4869

Docket No. 030212/08

-against-

Wanda D.,

Respondent-Respondent.

-----X
An order of this Court having been entered on April 15, 2010 (M-1119/M-1416), inter alia, assigning Richard M. Greenberg, Esq., as counsel to prosecute petitioner's appeal from the order of the Family Court, Bronx County, entered on or about February 18, 2009,

Now, upon the Court's own motion,

It is ordered that the designation of Richard M. Greenberg, Esq., as counsel to prosecute appellant's appeal is stricken, and pursuant to Article 18B of the County Law and §1120 of the Family Court Act, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, NY 10013, Telephone No. (212) 603-2330, is substituted as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



Clerk.