

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 9, 2010.

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

-----X  
In the Matter of the Appointment of  
a Guardian of the Person and Property  
of

Lawrence P. F.,

An Alleged Incapacitated Person.

M-4656

Index No. 400575/09

-----  
Eugene Taylor,  
Plaintiff-Respondent,

Timothy Coyle  
Claimant-Appellant.

-----X  
Claimant-appellant Timothy Coyle having moved for a stay of all proceedings pending hearing and determination of the appeals taken from the orders of the Supreme Court, New York County, entered on or about May 19, 2010 (mot. seq. no. 002) and August 11, 2010 (mot. seq. no. 008), respectively,

Now, upon reading and filing the papers with respect to the motion and the correspondence dated September 17, 2010 from appellant's counsel, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:

*David Spolony*  
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 9, 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-4998  
Ind. No. 2884/90

Angel Martinez, also known as Angel  
Fontanas,  
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 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.

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 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 9, 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-4999  
Ind. No. 5145/09

Lionel McCray,  
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 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 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 9, 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-5001  
Ind. No. 4053/09

Maxine Norfleet,  
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 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 9, 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-5002  
Ind. No. 406N/10

Akil Parks,  
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 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:

*David Apolony*  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on November 9, 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-5003  
Ind. Nos. 4808/01  
4035/02

Julio Pereira, also known as Hector J. Cruz, also known as Ricky Pereira, also known as Julio Pereria,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about August 30, 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.

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:

*David Apolony*  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on November 9, 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-5004  
Ind. No. 265/09

Daphney Polodore,  
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 7, 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 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 9, 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-5005  
Ind. No. 638/06

George Rawls,  
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 November 4, 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 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 9, 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-5009  
Ind. No. 1914/07

Kamal Thomas,  
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 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 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 9, 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-5010  
Ind. No. 4398/09

Cesar Urbina,  
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 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 9, 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-5011  
Ind. No. 7218/03

Nelson Villanueva,  
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 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.

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 9, 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-5012  
Ind. Nos. 2628/08  
639/06

Curtis Williams,  
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 November 30, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 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 9, 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-5013  
Ind. No. 1521/00

Nathaniel Wilson, also known as  
Nathaniel O. Wilson,  
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 August 25, 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 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.

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 9, 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-5015  
Ind. No. 877/10

Herberto Zayas, also known as  
Herberto Zayas, Jr., also known  
as Hereto Zayas, also known as Tin  
Zayas,  
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 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 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 9, 2010.

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

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

-against-

M-4079  
Ind. No. 4806/08

James Watley,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 23, 2009, 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 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 9, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
Eugene Nardelli  
James M. McGuire  
Sheila Abdus-Salaam, Justices.

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

-against-

M-4570  
Ind. No. 2911/08

Wilfredo Molina,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (John Moore, J.) entered on or about October 1, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the 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 permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Moore as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Richard M. Greenberg, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 9, 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-4523  
Ind. No. 2644N/09

Richard Almonte,  
Defendant-Appellant.

-----X  
Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 8, 2009, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, Justine Levine, Esq., as well as the amount and sources of funds for trial counsel's fee, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2010.

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

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

Respondent,

-against-

M-5044  
Ind. No. 3344/07

Daniel Rodriguez,

Defendant-Appellant.  
-----X

An order of this Court having been entered on March 4, 2010 (M-467), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 9, 2007,

And an order of this Court having been entered on August 3, 2010 (M-3292), granting defendant an extension of time in which to file the pro se supplemental brief to the December 2010 Term, with no further enlargements to be granted, and denying so much of defendant's motion seeking leave to enlarge the record on appeal,

And defendant having renewed his motion for leave to enlarge the record on appeal to include a certain search warrant and supporting papers as set forth in the moving papers, and for a further extension of time in which to file the pro se supplemental 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, to the extent it seeks an extension of time in which to file the pro se supplemental brief, is granted only to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before January 31, 2011 for the May 2011 Term, to which Term the appeal is adjourned with no further enlargements to be granted, and said motion is otherwise denied. The appeal will not be heard unless and until all material furnished to appellant has been returned. So much of the motion which seeks to enlarge the record on appeal and for other relief is denied.

ENTER:

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

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 9, 2010.

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

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

Respondent,

-against-

M-5053

Ind. No. 3829/08

Levon Pratt, also known as Pratt  
Levon,

Defendant-Appellant.  
-----X

An order of this Court having been entered on July 27, 2010 (M-2790), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 9, 2009,

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

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before February 22, 2011 for the May 2011 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. McGuire  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X

In re Probate Proceeding,  
Will of Seymour Halpern, etc.,  
Deceased.

-----  
Adrienne Halpern, et al.,  
Petitioners-Respondents,

M-4686

File No. 2719/06

-against-

Elizabeth Helpern,  
Respondent-Objectant-Appellant.

-----X

Respondent-objectant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 17, 2010 (Appeal No. 1469),

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 this Court, which affirmed the order of the Surrogate's 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 9, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
Leland G. DeGrasse, Justices.

-----X  
Muriel Karas,  
Plaintiff,

-against-

M-4619  
Index No. 103788/07

Christopher T. Coad, M.D.,  
et al.,  
Defendants.

-----X

An order of this Court having been entered on August 17, 2010 (M-1757/M-1831/M-2206) dismissing plaintiff's previously consolidated appeals taken from the orders of the Supreme Court, New York County, entered on or about December 15, 2008 (mot. seq. no. 003) and on or about March 2, 2009 (mot. seq. no. 005) and from the judgment of said Court entered on or about March 26, 2009,

And plaintiff having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the aforesaid order of this Court entered on August 17, 2010 (M-1757/M-1831/M-2206),

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.

1

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 9, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
John T. Buckley, Justices.

-----X  
Theodore Cantey,  
Plaintiff,

-against-

The City of New York and the New York  
City Department of Corrections,  
Defendants.

M-4608  
Index No. 250849/08

-----X

An order of this Court having been entered on July 28, 2009 (M-2614) dismissing plaintiff's appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 1, 2008,

And plaintiff having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the aforesaid order of this Court entered on July 28, 2009 (M-2614),

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. i

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 9, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. Catterson  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X  
S.M. Pires,

Plaintiff,

-against-

M-4593

Index No. 1453/06

Frota Oceanica Brasileira, S.A.,  
Defendant,

Galveston Wharves, doing business  
as Port of Galveston, et al.,  
Defendants.

-----X

An order of this Court having been entered on June 15, 2010 (M-279), denying plaintiff's motion to vacate the order of this Court entered on December 10, 2009 (M-4339), dismissing plaintiff's consolidated appeals,

And an order of this Court having been entered on October 28, 2010 (M-3567), denying plaintiff's motion for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the aforesaid orders of this Court (M-4339 and M-279),

And plaintiff having moved for omnibus relief with respect to the dismissed consolidated appeals and a related appeal in the Appellate Division, Second Department,

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 9, 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  
ex rel. Ronald Fischetti on behalf  
of David Green,  
Petitioner-Appellant,  
-against-

M-4751  
Index No. 111738/10  
Ind. No. 4295/05

Dora B. Schriro, Commissioner of  
the New York City Department of  
Corrections,  
Respondent-Respondent.

-----X  
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 7, 2010, denying petitioner's writ of habeas corpus,

And petitioner-appellant having moved for an order releasing him on his own recognizance or admitting him to bail pending hearing and determination of the appeal, or for alternative 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 denied. Counsel is directed to perfect the appeal pursuant to Rule 600.18 of the Rules of this Court.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2010.

Present - Hon. Luis A. Gonzalez, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
James M. McGuire  
Sheila Abdus-Salaam, Justices.

-----X  
Paul Kocourek,

Plaintiff-Appellant,

-against-

Booz Allen Hamilton Inc., et al.,

Defendants-Respondents.  
-----X

**SEALED**

M-4660

Index No. 602224/08

An appeal having been taken to this Court from an order of the Supreme Court, New York County entered on or about May 20, 2010, and said appeal having been perfected,

And plaintiff-appellant having moved for leave to file, under seal, the documents in Volume II of the Record on 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 9, 2010.

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

-----X  
In the Matter of the Application of  
Lillian Roberts, etc., et al.,  
Petitioners-Appellants,

For a Judgment, etc.,

M-5173  
Index No. 101881/09

-against-

Michael R. Bloomberg, etc., et al.,  
Respondents-Respondents.

-----  
New York City Board of Collective  
Bargaining,  
Amicus Curiae.

-----X  
An appeal having been taken to this Court by the above-named petitioners from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 30, 2009,

And Steven C. DeCosta of the New York City Board of Collective Bargaining having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted and the amicus curiae brief submitted with the moving papers is deemed filed.

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 9, 2010.

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

-----X  
Mervelyn White Craig,

Plaintiff-Appellant,

-against-

Theophilus Craig,

Defendant-Respondent.  
-----X

**M-4555**  
Index No. 307985/95

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

And an order of this Court having been entered on August 3, 2010 (M-2157), inter alia, granting a stay of eviction on condition plaintiff perfects the aforesaid appeal for the November 2010 Term,

And plaintiff-appellant having moved for an enlargement of time in which to perfect 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 staying eviction on condition that plaintiff perfects the appeal on or before January 3, 2011 for the March 2011 Term. The poor person relief previously granted is continued.

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 9, 2010.

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

-----X  
Nama Holdings, LLC, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-4096  
Index No. 601054/08

Greenberg Traurig LLP, etc., et al.,  
Defendants,

Shawn Samson, et al.,  
Defendants-Appellants.

-----X  
An appeal having been taken to this Court from the order(s) of the Supreme Court, New York County, entered on or about November 18, 2009,

And defendants-appellants having moved for a modification of the temporary restraining order granted to plaintiffs, by Supreme Court so as to utilize certain funds held by Alliance/Network plaintiffs, so as to post a bond with respect to a certain California judgment,

And a decision and order of this Court having been entered September 7, 2010 (Appeal Nos. 2639-2639A) modifying the order(s) of the Supreme Court, New York County, entered on or about November 18, 2009, to the extent of vacating the aforesaid temporary restraining order,

And defendants having moved for a stay or modification of the temporary restraining order granted to plaintiffs,

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, as moot. (See Appeal Nos. 2639-2639A, entered on September 7, 2010.)

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 9, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
John T. Buckley  
Sheila Abdus-Salaam, Justices.

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

-against-

M-4349  
Ind. No. 9068/98

Robert Jackson,  
Defendant-Appellant.

-----X  
Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 22, 1999, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Robert Silverberg, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2010.

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

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

-against-

M-4884  
Ind. No. 2058/09

Darryl Harris,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about August 19, 2009,

And defendant-appellant having moved pro se for an order enlarging the record on appeal to include certain documents set forth in the moving papers for use in preparing defendant's pro se supplemental brief,

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

Ordered that the motion is 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 9, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Eugene Nardelli  
James M. Catterson, Justices.

-----X

In the Matter of Martin S. Streit  
(admitted as Martin Stanley Streit),  
a suspended attorney:

Departmental Disciplinary Committee  
for the First Judicial Department,  
Petitioner,

M-3992

Martin S. Streit,  
Respondent.

-----X

Respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the amended order of this Court entered on July 9, 2010 (M-3349A), 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.

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 9, 2010.

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

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

-against-

M-5079  
Ind. No. 6425/05

Anthony Griffin, also known as Fruquan  
Griffin,  
Defendant-Appellant.

-----X

An order of this Court having been entered on August 18, 2009 (M-3186), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 19, 2006, and numerous orders of this Court having granted defendant numerous extensions of time in which to file said pro se supplemental brief,

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

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before January 31, 2011 for the April 2011 Term, to which Term the appeal is adjourned, with no further extensions to be granted. 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 9, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-2855  
Ind. No. 3832/99

Darold Freeman,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on July 2, 2002 (Appeal No. 1525), unanimously affirming a judgment of the Supreme Court, Bronx County (Denis Boyle, J.), rendered on February 1, 2001,

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 November 9, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Diane T. Renwick  
Leland G. DeGrasse, Justices.

-----x  
Roselio Agramonte,

Plaintiff-Respondent,

-against-

M-4493

Index No. 111434/04

New York University,

Defendant-Appellant.  
-----x

Defendant-Appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County entered on or about November 19, 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 9, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----x  
Milagros Collado,  
Plaintiff-Respondent,

-against-

Antonio Cruz, M-5141  
Defendant-Respondent, Index No. 21872/06

-and-

Pichon III, Inc.,  
Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 23, 2010, and said appeal having been perfected,

And defendant-respondent having moved for adjournment 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 granted and the appeal is adjourned to the January 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 9, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X  
61 West 62 Owners Corp.,  
Plaintiff-Appellant,

-against-

CGM EMP LLC, et al.,  
Defendants-Respondents,

M-4568  
M-4929  
Index No. 107341/09

The Chetrit Group LLC,  
Defendant.

-----X

Defendants-respondents CGM EMP LLC and CGM EMP RTP LLC 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 August 24, 2010 (Appeal No. 2369N), and for a stay of said decision and order pending hearing and determination of this motion (M-4568),

And The New York Nightlife Association having moved for leave to file an amicus curiae brief in support of the aforesaid motion (M-4929),

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 for leave to file an amicus curiae brief is denied (M-4929). The motion (M-4568) to the extent it seeks reargument and a stay, is denied, and it is further,

Ordered that the motion (M-4568), to the extent it 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.

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 9, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Elna Bearam,  
Plaintiff-Appellant,

-against-

M-4140  
Index No. 23411/04

Fulton Terrace Associates, Inc.,  
Defendant-Respondent.  
-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 11, 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 November 9, 2010.

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

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

-against-

M-4376  
Ind. No. 4244/08

Jose Guasp,  
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 (Thomas Farber, J.) entered on or about September 8, 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 on 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 of the Rules of this Court, and it is further

Ordered that the Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Farber as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 9, 2010.

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

-----X  
Bausch & Lomb Contact Lens Solution M-4500  
Product Liability Litigation M-4678  
-----  
Steering Committee for all Plaintiffs Index No. 766000/07  
in the New York Coordinated Proceeding,  
Plaintiff-Appellant.  
-----  
Bausch & Lomb Incorporated,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved (M-4500) 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 July 15, 2009,

And defendant-respondent having cross moved (M-4678) to dismiss the aforesaid appeal,

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-4500) is granted to the extent of enlarging the time of appellant in which to perfect the appeal to the March 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 the appellant within 10 days after the date of entry hereof. The cross motion (M-4678) is granted to the extent indicated.

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 9, 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-4417  
M-4460  
M-4599

Harvey Silverman and Silverman  
Partners, L.P.,  
Defendants-Appellants.

Index No. 602796/09

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about February 25, 2010 and on or about June 29, 2010, respectively,

And plaintiff-respondent having moved, by duplicate motions, for the dismissal of the aforesaid appeals (M-4417/M-4460),

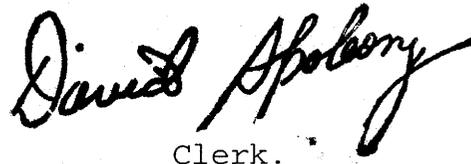
And defendants-appellants having cross-moved for consolidation of the aforesaid appeals, and for related relief (M-4599),

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

It is ordered that the cross motion (M-4599) is granted to the extent of permitting defendants-appellants to prosecute the consolidated appeals upon copies of one record and of one set of appellants' points covering said appeals pursuant to Rule 600.11 of the Rules of this Court on or before January 3, 2011 for the March 2011 Term, for which Term appellants are directed to so perfect. Upon failure to so perfect, an order dismissing the consolidated appeals may be entered ex parte,

provided plaintiff-respondent serves a copy of this order upon the defendants within 10 days after the date of entry hereof. The motion(s) to dismiss the appeals (M-4417/M-4460) are granted to the extent indicated.

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 9, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X  
Maninder Bhugra,  
Plaintiff-Appellant/Respondent,

-against-

M-2842  
Index No. 110825/07

Massachusetts Casualty Insurance  
Company, et al.,  
Defendants-Respondents,

Disability Management Services,  
Defendant-Respondent/Appellant.  
-----X

An appeal and cross appeal having been taken to this Court by plaintiff Maninder Bhugra from the order of the Supreme Court, New York County, entered on or about October 17, 2008, and an appeal having been taken from the order of said Court entered on or about December 11, 2008, respectively,

And plaintiff Maninder Bhugra having moved for an order dismissing the cross appeal taken by defendant Disability Management Services, or for alternative relief, and for vacatur of the orders of this Court entered on April 15, 2010 (M-2134), which dismissed plaintiff's appeal from the order entered December 11, 2008 with respect to defendant-respondent Zurich Insurance Co., and the order entered on April 23, 2010 (M-2266), which dismissed plaintiff's direct appeal from the order entered on October 17, 2008 with respect to certain defendants-respondents, including the defendant Disability Management Services,

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 adjourning the remaining appeals to the December 2010 Term, and the motion is otherwise denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X  
Wanda Santiago,  
Petitioner,

For a Judgment, etc.,

M-3528  
Index No. 400546/09

-against-

New York City Housing Authority,  
Respondent.

-----X

An order of this Court having been entered on July 27, 2010 (M-3015/M-3084), inter alia, granting respondent's cross motion to dismiss petitioner's appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 26, 2009,

And petitioner having moved to stay the enforcement of the order of eviction with respect to the aforesaid order and judgment (one paper) of the Supreme Court,

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

Ordered that the motion is denied as academic, petitioner's substantive appeal having been dismissed by the aforesaid order of this Court.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 2010.

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

-----X  
Rhonda Perez,

Plaintiff-Respondent,

-against-

M-4396  
Index No. 5140/08

John Nevarez,

Defendant-Appellant.  
-----X

Defendant-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about March 2, 2010, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of 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 November 9, 2010.

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

-----X  
Yolanda Moorjaney,

Petitioner-Appellant,

-against-

Department of Education,

Respondent-Respondent.  
-----X

M-4454  
Index No. 115791/08

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 10, 2009,

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

It is ordered that the motion is granted 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 9, 2010.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Eugene Nardelli  
John W. Sweeny, Jr.  
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

Donald Pearson,

M-3436  
Ind. Nos. 9753/07  
8375/07

Defendant-Appellant.  
-----X

The People having moved for reargument of the decision and order of this Court entered on July 6, 2010 (Appeal Nos. 5142-5142A),

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, upon reargument, the decision and order of this Court entered on July 6, 2010 (Appeal Nos. 5142-5142A) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 5142-5142A, 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 9, 2010.

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

-----X  
In the Matter of

Jose I. R.,

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

M-4425

Docket No. NN13324/07

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

Johanina McC.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother having taken an appeal from an order of custody and from an order of neglect of the Family Court, New York County, both entered on or about June 25, 2010,

And an order of this Court having been entered on October 28, 2010 (M-4161), dismissing respondent mother's appeal taken from the aforesaid order of custody of the Family Court, New York County, entered on or about June 25, 2010 (Docket No. V13692/07),

And respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeals from the aforesaid order of custody and the order of neglect of the Family Court, New York County, both entered on or about June 25, 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, to the extent it seeks poor person relief and the assignment of counsel with respect to the appeal taken from the order of custody of the Family Court, New York County (Docket No. V13692/07), entered on or about June 25, 2010, is denied, said appeal having been dismissed by the order of this Court, entered on October 28, 2010 (M-4161), and it is further

Ordered that so much of the motion which seeks poor person relief and the assignment of counsel with respect to the appeal taken from the order of neglect of the Family Court, New York County, entered on or about June 25, 2010, is denied, with leave to renew upon the submission of an attorney certification in compliance with Family Court Act 1118 or upon an affidavit in compliance with CPLR 1101(a).

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 9, 2010.

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

-----X  
Virgen S.,  
Petitioner-Respondent, M-3748  
M-4083  
-against- Docket No. F-10636/07A  
F-10636-06  
Clint J., P-10636-06  
Respondent-Appellant. P-10636-06/07  
-----X

Respondent-appellant, in connection with his appeal taken from the order of the Family Court, New York County, entered on or about May 29, 2009, having moved for an enlargement of time in which to perfect the appeal (M-3748),

And, petitioner-respondent having moved for dismissal of the aforesaid appeal or, in the alternative, for leave to prosecute the appeal as a poor person, for assignment of counsel, and for related relief (M-4083),

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-3748) for an enlargement of time in which to perfect the appeal is denied, and the cross motion (M-4083) is granted to the extent of dismissing the aforesaid appeal, all without prejudice to further proceedings in Family Court.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 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-4348  
Ind. No. 925/08

Herbert Williams,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 20, 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 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, 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 9, 2010.

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

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

Roxanne R.,  
Petitioner-Appellant,

M-3324  
Docket No. V-10259/07

-against-

Luis A.F. and the Administration  
for Children's Services,  
Respondents-Respondents.

-----X  
An order of this Court having been entered on March 23, 2010 (M-206), assigning Douglas Reiniger, Esq., as counsel to prosecute petitioner-appellant's appeal from the order of the Family Court, Bronx County, entered on or about November 20, 2009; and a motion having been made to relieve such counsel, and for other relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Douglas Reiniger, Esq., as counsel to prosecute appellant's appeal, and substituting, 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) 693-2330, 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 9, 2010.

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

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

Reynaldo M.,  
Petitioner-Appellant,

M-3433  
Docket No. V19100/07

-against-

Violet F.,  
Respondent-Respondent.

-----X

Petitioner-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about April 15, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. (212) 233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service**

---

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

of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 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:

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

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 9, 2010.

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

-----X  
Catholic Mutual Relief Society of  
America, doing business as Catholic  
Mutual Group and the Church of St.  
Bernard,  
Plaintiffs-Respondents,

-against-

M-4648  
Index No. 110703/08

Lexington Insurance Company and Family  
Services of Westchester, Inc.,  
Defendants-Appellants.

-----X  
And a related action in  
Supreme Court, Westchester County  
-----X

Plaintiffs-respondents Catholic Mutual Relief Society of America doing business as Catholic Mutual Group and the Church of St. Bernard having moved for dismissal of the appeal taken by Family Services of Westchester, Inc. from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 15, 2010 (as amended April 15, 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 and the appeal taken by Family Services of Westchester, Inc. is dismissed (See M-4316/M-4327/M-4576 entered October 19, 2010, a copy of which is annexed hereto).

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 19, 2010.

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

-----x  
Catholic Mutual Relief Society of M-4316  
America, doing business as Catholic M-4327  
Mutual Group and The Church of M-4576  
St. Bernard,  
Plaintiffs-Respondents, New York County  
Index No. 110703/08  
-against-

Lexington Insurance Company and  
Family Services of Westchester, Inc.,  
Defendants-Appellants.

-----x  
Supreme Court of the State of New York  
County of Westchester  
-----  
Javier Godinez,  
Plaintiff, Westchester County  
Index No. 07-08468  
-against-

Church of St. Bernard,  
Defendant.

-----x  
An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County entered on or about April 15, 2010, as amended on April 15, 2010 which, inter alia, directed appellant Insurer to defend plaintiffs as additional insureds under a policy issued by appellant to defendant Family Services of Westchester, Inc., in the action entitled *Gordinez v Church of St. Bernard*, Supreme Court, Westchester County, Index No. 07-08468,

And plaintiffs-respondents having moved for an order of this Court directing appellants to expeditiously perfect the aforesaid appeal (M-4316),

And defendant-appellant Family Services of Westchester, Inc., having moved for an order of this Court staying all proceedings in this action and in the underlying Westchester action *Godinez v Church of St. Bernard*, Index No. 07-08468, pending hearing and determination of the aforesaid appeal (M-4327),

And defendant-appellant Lexington Insurance Company having cross-moved for an order of this Court declaring that the enforcement of the judgment from which the appeal has been taken has been automatically stayed, pursuant to CPLR 5519(a)(2) by the filing of an undertaking in the amount of the monetary portion of said judgment or, in the alternative, for a discretionary stay of the enforcement of said judgment pending hearing and determination of the appeal taken therefrom (M-4576),

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

It is ordered that plaintiffs' motion seeking an expeditious appeal is denied (M-4316). The motion by defendant-appellant Family Services of Westchester, Inc. for a stay of proceedings in the Westchester County action *Godinez v Church of St. Bernard*, Index No. 07-08468 is denied, and the interim order of a Justice of this Court dated August 24, 2010 is herewith vacated. The cross motion by defendant-appellant insurer Lexington Insurance Company is granted only to the extent of declaring that only the monetary portion of the judgment appealed from has been stayed by the posting of an the undertaking, and the cross motion is otherwise denied (M-4576).

ENTER:

A handwritten signature in black ink, appearing to read "David Apolony". The signature is written in a cursive, somewhat stylized font. The background of the signature area is slightly textured and greyish.

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 9, 2010.

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

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

Marianella S.,  
Petitioner-Respondent,

M-4514  
Docket No. V-01913-00/08M  
V-01914-00/08M

-against-

Christian H.,  
Respondent-Appellant.  
-----

Cara Simonetti, Esq.,  
Children's Law Center,  
Law Guardian for the Child.  
-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about November 25, 2009,

And respondent-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal,

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

It is ordered that the motion is granted 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 9, 2010.

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

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

Joseph S.,  
Petitioner-Appellant,

-against-

M-4722  
Docket Nos. V-25197/09  
V-25198/09

Diane M.-S.,  
Respondent-Respondent.

-----X  
An appeal having been taken from the order of the Family Court, New York County, entered on or about December 8, 2009,

And petitioner-appellant having moved for an enlargement of time in which to perfect the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before January 3, 2011 for the March 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 9, 2010.

Present: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Edward Beazer,

Plaintiff-Respondent,

-against-

M-4415

Index No. 117030/04

New York City Health and Hospitals Corporation, et al.,  
Defendants,

Beys Contracting, Inc.,  
Defendant-Appellant.

-----X  
Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 3, 2010 (Appeal No. 2076),

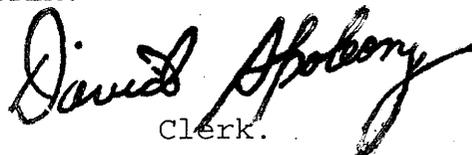
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 the Supreme Court, as affirmed by the decision and order of 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 9, 2010.

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

-----X  
Ocelot Capital Management LLC,  
Plaintiff-Respondent,

-against-

M-4112  
Index No. 603092/09

Isaac Hershkovitz,  
Defendant.

- - - - -  
Eldan-Tech Ltd. and Eldan-Tech, Inc.,  
Non-Party Appellants.

-----X

Separate appeals having been taken to this Court by non-party appellants from orders of the Supreme Court, New York County entered on or about July 13, 2010, and from the judgment of said Court entered on or about July 15, 2010, respectively,

And plaintiff-respondent Ocelot Capital Management LLC having moved for dismissal of the appeal from the judgment entered on or about July 15, 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, without prejudice to addressing the issue directly on the appeal. *Sua sponte*, the appeals are consolidated, and counsel is directed to perfect the consolidated appeals on or before January 3, 2011 for the March 2011 Term. (See M-3649/M-3724/M-3946, a copy of which is annexed hereto.)

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on October 7, 2010.

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

-----X  
Ocelot Capital Management LLC,  
Plaintiff-Respondent,

M-3649  
M-3724

-against-

Index No. 603092/09

Isaac Hershkowitz,  
Defendant.

-----X  
Eldan-Tech, Ltd. and Eldan-Tech, Inc.,  
Plaintiffs-Appellants,

-against-

Index No. 602838/09

Isaac Hershkowitz, et al.,  
Defendants-Respondents.

-----X  
Eldan-Tech, Inc., etc.,  
Plaintiff-Appellant,

-against-

M-3946

Ocelot Capital Management LLC,  
Defendant,

Index No. 651101/10

-and-

Ocelot Capital Portfolio Holdings, LLC,  
Nominal Defendant.

-----X  
An appeal having been taken to this Court by proposed intervenors Eldan-Tech, Ltd. and Eldan-Tech, Inc. from the order of the Supreme Court, New York County, entered on or about July 13, 2010 (mot. seq. no. 002) under Index No. 603092/09,

And Eldan-Tech, Inc. having taken an appeal from the order of said Court entered on or about July 30, 2010 (mot. seq. no. 001) under Index No. 651101/10,

October 7, 2010

And defendant Hershkowitz having taken an appeal from the aforesaid order of Supreme Court entered on or about July 13, 2010 (mot. seq. no. 001), and the judgment of said Court entered on or about July 15, 2010 under Index No. 603092/09,

And proposed intervenors Eldan-Tech, Ltd. and Eldan-Tech, Inc. having moved in the nature of a preliminary appellate injunction staying enforcement of the aforesaid judgment of Supreme Court entered on or about July 15, 2010, or for alternative relief pending hearing and determination of the appeal taken by said proposed intervenor under Index No. 603092/09 (M-3649),

And Eldan-Tech, Ltd. and Eldan Tech, Inc. having moved, by separate motion, in the nature of a preliminary appellate injunction with respect to the aforesaid judgment of Supreme Court entered under Index No. 603092/09 (M-3946),

And defendant-respondent Isaac Hershkowitz having moved to stay enforcement of the order entered on or about July 9, 2010 (M-3724),

Now, upon reading and filing the papers with respect to the motions, and the correspondence from defendant-respondent's counsel Stein Farkas & Schwartz LLP (Esther E. Schwartz, of counsel), dated August 2, 2010, and due deliberation having been had thereon,

It is ordered that the motions (M-3649/M-3946) are denied, and the motion by defendant Hershkowitz (M-3724) is deemed withdrawn, as is the appeal, 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 November 9, 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  
ex rel. Al Rosa,  
Petitioner-Appellant,

-against-

M-3842  
Index No. 400840/10

Warden, Edgecombe Correctional Facility,  
New York State Division of Parole,  
Respondent-Respondent.  
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about May 13, 2010, which dismissed a habeas corpus proceeding, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

Pursuant to Section 35 of the Judiciary Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for appellant for purposes of the appeal. Counsel is directed to perfect the appeal in accordance with Rule 600.18 of this Court.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on November 9, 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-4289  
Ind. No. 5391/08

Charles Flow, also known as Charlie  
Flow,  
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 April 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 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 9, 2010.

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

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

Maria A. M.,  
Petitioner-Respondent,

M-4219  
Docket No. V8367-08/09C

-against-

Dexter N.,  
Respondent-Appellant.

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

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about July 29, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Michael S. Bromberg, Esq., 44 Hampton St., Sag Harbor, NY 11963, Telephone No. (631) 725-0641, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of

the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 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:

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

Clerk

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 9, 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,  
Appellant,

-against-

Jerry Williams,  
Defendants-Respondents.

M-4318  
Ind. Nos. 9280/99  
5364/04

-----x

Appeals having been taken to this Court by the People from orders of the Supreme Court New York County, entered on or about January 7, 2010 and March 17, 2010, respectively,

And appellant having moved for consolidation 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 granted to the extent of permitting appellant to prosecute the appeals upon copies of one record and one set of appellant's points covering the appeals pursuant to Rule 600.11 of the Rules of this Court.

ENTER:

  
Clerk.

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

BEFORE: Hon. Peter Tom  
Justice of the Appellate Division

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

*Superior*

-against-

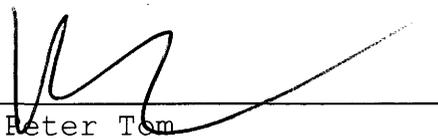
Walter Grant,

Defendant.  
-----X

M-4368  
Ind. No. 261/77

CERTIFICATE  
DENYING LEAVE

I, Peter Tom, 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 June 25, 2010 is hereby denied.

  
\_\_\_\_\_  
Hon. Peter Tom  
Associate Justice

Dated: October 25, 2010  
New York, New York

**ENTERED** NOV 09 2010

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

BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

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

M-4436  
Ind. No. 1561/2004

-against-

CERTIFICATE  
DENYING LEAVE

Juan Rivera,

Defendant.

-----X  
I, John W. Sweeny, Jr., 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, dated on or about July 16, 2010 (Denis J. Boyle, J.) is hereby denied.

  
Associate Justice

Dated: October 18, 2010  
New York, New York

ENTERED: **NOV 09 2010**

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

BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

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

M-4448  
Ind. No. 2430/01

-against-

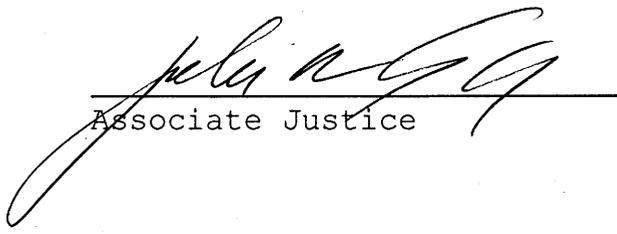
CERTIFICATE  
DENYING LEAVE

Bonifacio Robles-Mejica, a/k/a  
Bonifacio Robles-Mejia,

Defendant.

-----X

I, John W. Sweeny, Jr., 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 April 16, 2010 (Robert G. Seewald, J.) is hereby denied.

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

Dated: October 19, 2010  
New York, New York

ENTERED: **NOV 09 2010**

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

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

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

M-4843  
Ind. No. 1255/99

-against-

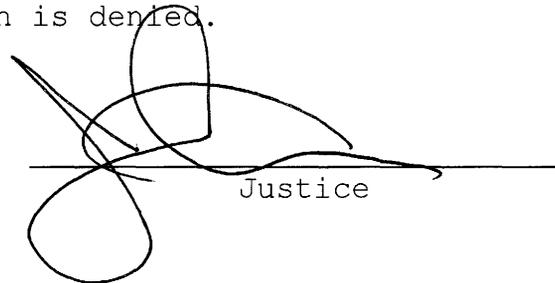
Anthony Gillespie,

Defendant.  
-----X

The above-named defendant having moved for clarification of the order of a Justice of this Court entered August 31, 2010 (M-2630), which denied defendant's application for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15 for leave to appeal the order of Supreme Court, New York County, dated March 23, 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.

  
Justice

Dated: October 18, 2010  
New York, New York

ENTERED: **NOV 09 2010**

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

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

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

M-5033  
Ind. No. 16713C/07

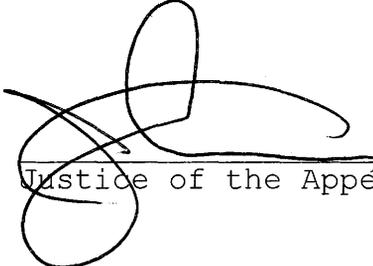
-against-

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

Rolando Herrera,  
Defendant.

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

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

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

Dated: October 20, 2010  
New York, New York

ENTERED: **NOV 09 2010**

\*Description of Order:

Supreme Court, Bronx County, entered on March 28, 2008.  
App. Div., Appeal No. 1139, reversed on September 23, 2010.

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

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

BEFORE: Hon. KARLA MOSKOWITZ  
Justice of the Appellate Division

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

M- 4359  
Ind. No.3036/04

-against-

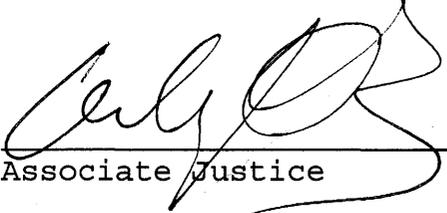
CERTIFICATE  
DENYING LEAVE

Abraham Pena

Defendant.

-----X

I, Karla Moskowitz, 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 orders of the Supreme Court, Bronx County, entered on or about May 25, 2010 and June 23, 2010, is hereby denied.

  
Associate Justice

Dated: , 2010  
New York, New York

ENTERED: NOV 09 2010

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

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

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

M - 4644  
Ind. No. 3203/03

-against-

CERTIFICATE  
DENYING LEAVE

Victor Ortega,

Defendant.

-----X

I, Rolando T. Acosta, 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 orders of the Supreme Court, New York County, entered on or about September 17, 2009 and June 17, 2010, is hereby denied.

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

Dated: October 13, 2010  
New York, New York

ENTERED: NOV 09 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-4098  
Ind. No. 3964/2000

-against-

CERTIFICATE  
DENYING LEAVE

Calvin Washington, 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 June 30, 2010, is hereby denied.

Dated: New York, New York  
October 1, 2010



---

Hon. Leland G. DeGrasse  
Justice of the Appellate Division

**ENTERED**

NOV 09 2010

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

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

-----X

The People of the State of New York,  
Respondent,

M-4908  
Ind. No. 1649/06

-against-

George Martinez,  
Defendant-Appellant.

CERTIFICATE  
GRANTING REARGUMENT  
AND LEAVE

-----X

Upon motion made by the above-named defendant for reargument of defendant's application for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, leave for reargument is granted, and upon reargument the Certificate Deny Leave dated August 10, 2010 is recalled and the following is substituted therefor:

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, Bronx County, entered on or about June 11, 2010.<sup>1</sup>

Dated: October 18, 2010  
New York, New York

**ENTERED**

**NOV 09 2010**

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

NOTICE: Within 15 days from the date hereon, an appeal must be taken,

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

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

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

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

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

M-4365  
Ind. No. 7251/96

-against-

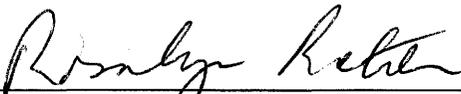
CERTIFICATE  
DENYING LEAVE

Lawrence Lewis,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 14, 2010 is hereby denied.

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

Dated: October 19, 2010  
New York, New York

ENTERED: **NOV 09 2010**

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.

PM ORDERS

ENTERED

NOVEMBER 09, 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 9, 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-5301  
DC #25  
Tony Green, also known as Ind. No. 6300/06  
Terrence Allen,  
Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 25, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 9, 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-

Kareem Willis,

Defendant-Appellant.  
-----X

M-5346

DC #70

Ind. Nos. 2365/01

2490/01

2491/01

40/02

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about February 18, 2003,

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

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 9, 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-

Fernando Torres,

Defendant-Appellant.

-----X

M-5340  
DC #63  
Ind. No. 1276/03

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 29, 2009,

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

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 9, 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-

David Soto,

M-5335  
DC #58  
Ind. No. 4039/06

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about November 5, 2008,

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

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 9, 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-

Ronald Smalls,

M-5333  
DC #56  
Ind. No. 3960/03

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 20, 2006,

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

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 9, 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-

Arthur Richardson,

M-5326  
DC #49  
Ind. No. 1509/06

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about September 7, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 9, 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-

Arthur Richardson,

Defendant-Appellant.

-----X

M-5325  
DC #48  
Case No. 49311C/05

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about September 7, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 9, 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-5312

DC #34

Sergei Kuramtsov, also known as  
Sergei Khramtsov,  
Defendant-Appellant.

Ind. No. 6073/08

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 21, 2009,

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

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 9, 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-

Felix Hernandez,

Defendant-Appellant.

-----X

M-5304  
DC #27  
Ind. No. 1165/07

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about November 29, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 9, 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-

Vincent Gillietti,

M-5297  
DC #22  
Ind. No. 2438/06

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 6, 2006,

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

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 9, 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-

Gerald Davis,

Defendant-Appellant.

-----X

M-5291  
DC #16  
Ind. No. 2880/06

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 17, 2007,

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

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 9, 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-

Denzel Crawford,

Defendant-Appellant.

M-5290  
DC #15  
Ind. No. 3942/07

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 19, 2008,

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

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 9, 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-

Felipe Arroyo,

Defendant-Appellant.

M-5273  
DC #6  
Ind. No. 4502/06

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about April 1, 2008,

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

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 January 26, 2010.

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

-----X  
1251 Americas Associates II, L.P.,

Petitioner-Landlord-Respondent,

-against-

M-5405  
Index No. 570878/07

Rock 49<sup>th</sup> Rest. Corp., d/b/a City  
Crab & Lobster Co.,

Respondent-Tenant-Appellant.  
-----X

Respondent-tenant 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 April 10, 2009,

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

It is ordered that the motion is 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 9, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----x  
Choice Hotels International, Inc.,

Plaintiff,

-against-

Sam Klein, et al.,

Defendants.  
-----x

M-5123  
Index No. 112679/10

Defendants having moved for leave to appeal to this Court from an ex parte order of the Supreme Court, New York County entered on or about September 29, 2010, 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 deemed one pursuant to CPLR 5704(a) seeking to vacate a temporary restraining order and, as such, the motion is denied.

ENTER:



Clerk