

At a 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 18, 2010.

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

-----X
American Home Assurance Company,
Plaintiff-Respondent,

-against-

Sirius America Insurance Company,
Defendant-Appellant,

-and-

BFC Construction Corp. and Kent
Waterfront Builders LLC,
Defendants-Respondents,

M-4357
Index No. 603610/05

-and-

Christopher D'Antonio, et al.,
Defendants.

-----X

Separate appeals having been taken by respective appellants from the order of the Supreme Court, New York County, entered on or about March 9, 2010,

And plaintiff having moved for an order deeming its appeal herein withdrawn,

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

It is ordered that the appeal, as to American Home Assurance Company, is withdrawn in accordance with the aforesaid motion.

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 18, 2010.

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

-----X
689 Fifth Avenue LLC,
Plaintiff-Respondent,

-against-

Red Door Salons, Inc.,
Defendant-Appellant.

M-4411X
Index No. 108084/09

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 19, 2010 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 31, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Rosanne Aponte,
Plaintiff-Respondent,

-against-

M-4420
Index No. 117844/05

Dr. Nelson Botwinick, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 26, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 30, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Ziad Takieddine,
Plaintiff-Respondent,

-against-

M-4573
Index No. 650111/09

Hani Salaam, also known as
Hani Mohammed Salaam,
Defendant-Appellant.

-----X

An appeal having been taken from the order and decision of the Supreme Court, New York County, entered on or about February 16, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated August 20, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk.

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

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

-----X
Elma Bennett,
Plaintiff-Respondent,

-against-

M-4650X
Index No. 301495/07

Tic-Tack Limo Corp.,
Defendant-Appellant,

Richard J. Klein,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 19, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 14, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Harvest Court, LLC,
Plaintiff-Respondent,

-against-

Nanopierce Technologies, Inc.,
Defendant-Appellant.
-----X

M-4588X
Index No. 602281/01

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 27, 2009 (mot. seq. nos. 030, 031),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 9, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Reavis Parent Lehrer LLP,
Plaintiff-Respondent,

-against-

M-4627X
Index No. 601661/08

A.M. Erectors, Inc. and Fujitec America,
Inc.,
Defendants-Appellants,

National Elevator Cab & Door Corp.,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 9, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 13, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Eduarda Krieger,
Plaintiff-Respondent,

-against-

M-4684X
Index No. 313200/09

Jonathan Lee Krieger,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 4, 2010 (mot. seq. nos. 001, 002 & 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 15, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Luis Peterson, et al.,
Plaintiffs-Respondents,

-against-

M-4899X
Index No. 6697/06

New York City Transit Authority,
Defendant-Appellant.
-----X

An appeal having been taken from the judgement of the Supreme Court, Bronx County, entered on or about April 22, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 30, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Jaymi Forella,
Plaintiff-Appellant,

-against-

399 Exterior Street Associates LLC,
Defendant-Respondent.
-----X

M-5113X
Index No. 304865/09

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 29, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 14, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Everest National Insurance Company,
Plaintiff-Respondent,

-against-

M-5138X
Index No. 305406/08

77 Deerhurst Corp., doing business as
Servco Industries, Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from the order and judgment of the Supreme Court, Bronx County, entered on or about June 30, 2009 and May 25, 2010, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 13, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Melanie Falu,
Plaintiff-Respondent,

-against-

Seward & Kissel LLP,
Defendant-Appellant.

M-5144X
Index No. 114437/08

-----X
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 15, 2010 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 14, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Selene Kushner and Mac Kushner,
Plaintiffs,

-against-

M-5392X
Index No. 109113/06

VNU Expositions, Inc.,
Defendant.

-----X
VNU, Inc. I/S/A VNU Expositions, Inc.,
Third-Party Plaintiff-Respondent,

-against-

Third Party
Index No. 590613/08

Freeman Decorating Services, Inc.,
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from the orders of the Supreme Court, New York County, both entered on or about June 22, 2010 (mot. seq. nos. 002-003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 27, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 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-4320
Ind. No. 5394/98

Keith Brock,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of resentence the Supreme Court, New York County, rendered on or about February 3, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated August 24, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 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-4380
Ind. No. 4633/92

Isaac Hudson,
Defendant-Appellant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated August 17, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 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-4381
Ind. No. 2938/04

Henry Lopez,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about January 3, 2007

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 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-4575
Ind. No. 2924/07

Yemalia Castillo,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 13, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated August 31, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

Anthony Plessner, also known as
Tommy Soto,
Defendant-Appellant.

M-4614
Ind. Nos. 2220/08
5567/05

-----X

An appeal having been taken from the judgment of resentence of the Supreme Court, New York County, rendered on or about July 8, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated August 24, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 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-4852
Ind. No. 4430/08

David Baez,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 19, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated September 7, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 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-4944
Ind. No. 90039/05

Christopher Ortiz,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about February 27, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated September 29, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 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-5137
Ind. No. 7929/99

Levin Lindsey,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 5, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated September 30, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 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-5155
Ind. No. 4770/08

Ysrael Acevedo,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 3, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated October 13, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 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-5323
Ind. No. 3532/07

Richard Proano,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about August 7, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated October 25, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
Capmark Finance, Inc., as servicer
for Capmark Bank and Capmark Bank,
Plaintiffs-Respondents,

-against-

M-4596
Index No. 603196/08

2 South Avenue Partners, LLC,
Richard Hoch, David Soares and
Jospeh Esmail,
Defendants-Appellants,

City of New York and Cove Club
Condominium,
Defendants.

-----X
(And another action)
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 28, 2009,

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

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

ENTER:


Clerk.

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

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

-----X
Jose Bone,
Plaintiff-Respondent,

-against-

The City of New York,
Defendant-Respondent,

Delcor Associates, Inc., B.J.
Piping & Heating Co.,
Defendants,

M-4687
Index No. 111464/06

-and-

H & S Contracting of NY, Inc.,
Defendant-Appellant.

-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 12, 2009 (mot. seq. no. 006),

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

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

ENTER:


Clerk.

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

Carlos Abrue, also known as
Carlos Abreu,
Defendant-Appellant.

M-5266
DC #1
Ind. No. 92/07

-----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 November 21, 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 March 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 18, 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-

Salvador Agustin,

Defendant-Appellant.
-----X

SEALED

M-5270

DC #3

Ind. No. 6768/02

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 12, 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 March 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 18, 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-

Keith Atkins,

M-5275
DC #7
Ind. No. 1777/07

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 July 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 March 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 18, 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-

Julia Ayala,

M-5276
DC #8
Ind. No. 3726/06

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 24, 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 March 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 18, 2010.

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

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

Respondent,

-against-

Eric Herbert Bowman,

Defendant-Appellant.
-----X

M-5277
DC #9
Ind. No. 928/08

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 16, 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 March 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 18, 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-

Jeffrey Brazier,

Defendant-Appellant.

M-5284
DC #10
Ind. No. 3047/07

-----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 May 6, 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 March 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 18, 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-

Michael Brizan, also known as
Michael Brizen,
Defendant-Appellant.

M-5285
DC #11
Ind. No. 2667/07

-----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 December 18, 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 March 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 18, 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-

Gabriel Cordero,

M-5289
DC #14
Ind. No. 6219/07

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 May 13, 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 March 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 18, 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-

Jerry Etienne,

M-5293
DC #18
Ind. No. 2087/07

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 15, 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 March 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 18, 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-

Freddie Gonzalez,

M-5298
DC #23
Ind. No. 4895/07

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 September 17, 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 March 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 18, 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-

Roy Gray,

Defendant-Appellant.

M-5300
DC #24
Ind. No. 90052/05

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about October 23, 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 appellant pro se and counsel for appellant having submitted an affirmations 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 March 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 18, 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-

Darren Gunter,

Defendant-Appellant.
-----X

M-5303
DC #26
Case No. 23093C/05

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about February 17, 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 March 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 18, 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-

Kersey Jannestil, also known as
Kersey K. Jannestil,
Defendant-Appellant.

M-5309
DC #31
Ind. No. 1543/98

-----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 July 2, 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 March 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 18, 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-

Jason Johnson,

Defendant-Appellant.
-----X

M-5310
DC #32
Ind. No. 3278/05
Superceding Ind. No. 714/04

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 16, 2008, and from the judgment(s) of **resentence** of said Court rendered on or about September 24, 2008, respectively,

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 March 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 18, 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-

Eriverto Martinez,

M-5317
DC #39
Ind. No. 2474/06

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 November 16, 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 March 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 18, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

National Union Fire Insurance Company
of Pittsburgh, PA,
Defendant-Appellant-Respondent/
Defendant-Respondent,

M-5108
Index No. 115498/06

-and-

Han Soo Lee and Sook Ok Jang,
Defendants.

-----X

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 8, 2010 (mot. seq. no. 012), and said appeal and cross appeal having been perfected,

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

And defendant-appellant, National Union Fire Insurance Company of Pittsburgh, PA, having moved for an order striking the brief of defendants, Han Soo Lee and Sook Ok Jang,

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 18, 2010.

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

-----X
OneBeacon America Insurance Company,
etc., et al.,
Plaintiffs-Respondents,

-against-

M-5035

M-5178

Index No. 601382/08

Newmont Mining Corporation and its
successor Newmont USA Limited,
Defendants-Appellants,

Dawn Mining Company, et al.,
Defendants.

-----X

Appeals having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 15, 2009,

And plaintiff-respondent Travelers Casualty and Surety Company, formerly known as The Aetna Casualty and Surety Company, having moved for leave to file a supplemental record on appeal which would include a certain preliminary ruling and an order staying a certain action (M-5035),

And defendants-appellants having cross-moved to strike plaintiffs-respondents' brief for referring to material de hors the record on appeal (M-5178),

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 appeal is adjourned to the January 2011 Term. Plaintiff-respondent's motion (M-5035) which seeks to file a supplemental record on appeal is denied. Defendants-appellants' cross motion (M-5178) is granted to the extent of striking plaintiff's-respondents' brief with leave to file a corrected respondent's brief for the January 2011 Term which omits all reference to material de hors the record on appeal.

ENTER:


Clerk.

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

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of
Andrea Jones,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-4466
Index No. 400029/09

-against-

Ricardo Elias Morales, as Chair of
the New York City Housing Authority
and the New York City Housing
Authority,
Respondents-Respondents.

-----X

An Article 78 proceeding to review a determination of respondents, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about November 16, 2009,

And petitioner-appellant having moved for withdrawal of the above captioned proceeding,

Now, upon reading and filing the stipulation of the parties hereto, dated August 24, 2010, and due deliberation having been had thereon,

It is ordered that the proceeding is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

-----X
In the Matter of

Jasmine Courtney C., also known as
C., Jasmine and Prince Zacharia C.,

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

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

M-4690
Docket Nos. B13537/08
B13538/08

Sonia J.,
Respondent-Appellant.

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

-----X

Appeals having been taken from orders of the Family Court, New York County, entered on or about December 10, 2009,

And petitioner-respondent agency having moved for an order dismissing the aforesaid appeals,

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

Ordered that the motion is denied.

ENTER:

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 18, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----x
Richard A. Williamson, etc.,
Plaintiff-Respondent,

-against-

Sylvester Stallone,
Defendant-Appellant,

M-4163
Index No. 602395/04

Ehud Shapiro,
Defendant.

- - - - -
[And other actions]

-----x
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 6, 2010, and said appeal having been perfected,

And defendants having jointly moved, inter alia, for a stay of further proceedings, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion and the stipulation of the parties filed October 27, 2010, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn, the underlying appeal having been withdrawn. (See M-5380 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 18, 2010.

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

-----X
Richard A. Williamson, as Successor
Liquidating Trustee on Behalf of
Lipper Convertibles, L.P.,
Plaintiff-Respondent,

-against-

M-5380
Index No. 602395/04

Sylvester Stallone,
Defendant-Appellant,

Ehud Shapiro,
Defendant.

-----X
Richard A. Williamson, as Successor
Liquidating Trustee on Behalf of
Lipper Convertibles, L.P.,
Plaintiff-Respondent,

-against-

Index No. 100827/04

Culbro Corp. Pension Fund, American
Jewish Joint Distribution Committee,
Inc., Mr. Frederick W. Zuckerman
Trust 5/25/82, and Yazoo Valley Inc.,
Defendants,

RLH Family Fund, Richard Hirsch
and James F. Hoge, Jr.,
Defendants-Appellants.

-----X

-----X
 Richard A. Williamson, as Successor
 Liquidating Trustee on Behalf of
 Lipper Convertibles, L.P.,
 Plaintiff-Respondent,

Index No. 604305/04

-against-

University of Minnesota Foundation,
 Defendant-Appellant.

-----X
 Richard A. Williamson, Esq., as
 Successor Liquidating Trustee on
 behalf of Lipper Convertibles, L.P.,
 Plaintiff-Respondent,

-against-

Arbitrage Select Fund, L.P., Armand
 Marciano and LMF Investments
 Partnership,
 Defendants-Appellants,

Index No. 600593/06

-and-

The River Charitable Remainder Unitrust
 and the Lightning Tree Charitable
 Trust,
 Defendants.

-----X

Appeals having been taken in the above-captioned
 actions from the order of the Supreme Court, New York County,
 entered on or about May 6, 2010,

Now, upon reading and filing the stipulations of the
 respective parties in the above-captioned actions, each filed on
 October 27, 2010, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected
 for the November 2010 Term, are withdrawn in accordance with the
 aforesaid stipulations (See M-4163 decided simultaneously
 herewith).

ENTER:

David Spohrer
 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 18, 2010.

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

-----X
Jose Cabrera
Plaintiff-Appellant,

against-

M-5054

Index No. 14555/98

Sidney Hirth, et al.,
Defendants-Appellants.

City Marshall Martin Bienstock,
Non-Party Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 6, 2009, and said appeal having been perfected,

And non-party respondent, City Marshall Martin Bienstock, having moved for an order dismissing the aforesaid appeal for failure to name a necessary party to the appeal and to file a proper 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, to the extent it seeks to dismiss the appeal, is denied. Plaintiff-appellant is directed to file a supplemental record consisting of the necessary papers on the appeal and to physically correct the record and briefs heretofore filed to reflect City Marshall Martin Bienstock as a Non-Party Respondent and to amend the caption of same as indicated. The appeal is adjourned 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 18, 2010.

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

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

Reginald Bennett,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

M-4954
Index No. 114823/09

-against-

Department of Housing Preservation
and Development and Stellar
Management,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 18, 2010,

And respondent-landlord, Stellar Management, having moved for an order vacating a stay of summary proceedings afforded petitioner by said order of transfer,

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 unless petitioner perfects the proceeding on or before January 3, 2011 for the March 2011 Term, and on further condition that petitioner continues to pay respondent-landlord the sum of \$372.00 monthly. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent(s) serve a copy of this order upon petitioner within 10 days after the date of entry hereof.

ENTER:


Clerk

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

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Leland G. Degrasse
Sallie Manzanet-Daniels, Justices.

-----X
AMP Services Limited, etc.,
Plaintiff-Respondent,

-against-

M-4909
Index No. 106462/04

Walanpatrias Foundation, also known
as Doraw and Walanpatrias Stiftung,
Defendant-Appellant.

-----X
In re Assets held by Depository
Trust & Clearing Corporation,
New York, New York
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 5, 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 April 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 18, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Leland G. Degrasse
Nelson S. Román, Justices.

-----X
Viacom Outdoor Inc., a Delaware Corporation,
Plaintiff-Appellant,

-against-

M-4833
Index No. 111352/05

Wixon Jewelers, Inc., etc.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgement of the Supreme Court, New York County, entered on or about December 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 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 18, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Lillian Roberts, as Executive
Director of District Council 37
American Federation of State, County
and Municipal Employees AFL-CIO, et al.,
Petitioners-Appellants,

M-5246
Index No. 101881/09

For an Order and Judgment, etc.,

-against-

Michael R. Bloomberg, as Mayor of the
City of New York, et al.,
Respondents-Respondents.

-----X
Municipal Labor Committee,
Amicus Curiae.

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

And the Municipal Labor Committee 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 to the extent of permitting the Municipal Labor Committee to file 10 copies of a brief amicus curiae with the Clerk of this Court forthwith.

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 18, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Gita Rott,

Plaintiff,

-against-

M-5407
Index No. 110168/05

Negev, LLC, et al.,

Defendants.
-----X

Plaintiff having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about October 29, 2010,

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

Ordered that the motion is denied.

ENTER:



Clerk.

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

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

Anita Jordan,
Petitioner,

M-4483
Index No. 402705/08

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules,

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 19, 2009,

And an order of this Court having been entered on July 27, 2010 (M-2854), denying petitioner's motion for poor person relief and, sua sponte, dismissing the aforesaid proceeding,

And petitioner having moved for poor person relief with respect to the aforesaid dismissed proceeding,

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, the proceeding having been dismissed. (See M-2854, 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 July 27, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

Anita Jordan,
Petitioner,

M-2854
Index No. 402705/08

For a Judgment Pursuant to Article
78 of the CPLR,

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 19, 2009 (mot. seq. no. 001),

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief,

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

It is ordered that sua sponte the proceeding is dismissed. Leave to prosecute said proceeding as a poor person is denied, as academic.

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 18, 2010.

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

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

- - - - -
Doreen L.,
Petitioner-Appellant,

M-4299
Docket No. O-32413/09

-against-

Dhaneswar R.,
Respondent-Respondent.

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

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about August 9, 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, Julian A. Hertz, Esq., 200 East 84th Street, #6F, New York, NY 10028, Telephone No. (914) 834-5461, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11(b)(2) and (c) of the Rules of this Court, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


Clerk

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

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

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of Paul S. Block
(admitted as Paul Stuart Block)
a suspended attorney:

M-4646

Departmental Disciplinary Committee
For the First Judicial Department,
Petitioner,

Paul S. Block,
Respondent.

-----X
Respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the order of this Court entered on August 17, 2010 (M-2003), 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 18, 2010.

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

-----X
In the Matter of

Laquanda Lasheaia Myesha D.,
also known as Laquanda D., also
known as Laquanda F., also known
as Lagonda F.,

M-4302
Docket Nos. B3111/03
B3121/03

and Cashimer Kianna Karen J.,
also known as Cashimer J., also
known as Cashimer F., also known
as Cashmere F.,

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

- - - - -
Little Flower Children's Services,
Petitioners-Respondents,

Josephine F., also known as
Josephine C.F.,
Respondent-Appellant.

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

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, Bronx County, entered on or about June 17, 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 therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) 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:


Clerk

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

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

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

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

-against-

M-4375
Ind. No. 1595/08

Timothy Kitt,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 28, 2009 and from the order of said Court (Moore, J.) entered on or about March 1, 2010, for leave to have the appeal(s) heard upon the original record(s) 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 deeming the moving papers a timely filed notice of appeal, and permitting the appeal(s) to be heard on the original record(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.

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, 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:

A handwritten signature in cursive script that reads "David Apolony". The signature is written in black ink and is positioned above the printed name "Clerk.".

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 18, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
The Estate of Edis Estevez, etc.,

Plaintiff-Appellant,

-against-

M-4905
Index No. 8112/03

The City of New York, et al.,

Defendants-Respondents.
-----X

Consolidated appeals having been taken to this Court from the orders of the Supreme Court, Bronx County, entered on or about July 15, 2009 and March 15, 2010, respectively,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the consolidated appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to the 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 18, 2010.

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

-----X
409-411 Sixth Street, LLC,
Petitioner-Landlord-Respondent,

-against-

M-4473
Index No. 570068/09

Masako Mogi,
Respondent-Tenant-Appellant,

"John Doe" and "Jane Doe",
Respondents-Undertenants.

-----X

An order of this Court having been entered on August 10, 2010 (M-3151), granting respondent-tenant leave to appeal from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 31, 2010, and for a stay of eviction pending hearing and determination of said appeal,

And petitioner-landlord having moved for, inter alia, reargument and vacatur of the aforesaid order of this Court, and for other/alternative relief,

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

Ordered that the motion is denied.

ENTER:


Clerk.

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

Imani O. and Zeta M.,

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

M-4202
Docket No. NN23915/07
NN23916/07

Administration for Children's
Services,
Petitioner-Respondent,

Marcus O.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about May 12, 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, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, as counsel for purposes of prosecuting the appeal; (2) directing the

Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11(b)(2) and (c) of the Rules of this Court, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


Clerk

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

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

Anastacia L., Docket Nos. NN8748/09
Andrew L., NN8749/09
Brandon L., NN8750/09
Kyle M., NN8751/09
Douglas D., NN8752/09
-and- -and-
Daphne L., NN2333/10

Children Under 18 Years of Age Alleged M-4203
to be Abused and/or Neglected Under
Article 10 of the Family Court Act.

Administration for Children's
Services,
Petitioner-Respondent,

Vito L.,
Respondent-Appellant.

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

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeals from the orders of the Family Court, Bronx County, entered on or about April 16, 2010 and June 21, 2010, and for assignment of counsel, free copies of the transcripts, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 682-2171, as counsel for purposes of prosecuting the appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record(s) from the Family Court to this Court. The Clerk of the Family Court shall transfer the record(s) upon receipt of this order; and (4) appellant is directed to perfect these appeals which are sua sponte consolidated, 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:



Clerk

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

PM ORDERS

ENTERED

NOVEMBER 16, 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 16, 2010.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Seth A. Mensah, M-2507
Plaintiff-Appellant, M-2659
-against- M-3086
Polytechnic University, et al., M-4069
Defendants-Respondents, M-5112
M-4642
Index No. 107302/08
Kennedy Space Center,
Defendants.
-----X

A decision and order of this Court having been entered on December 1, 2009 (Appeal No. 1596), inter alia, affirming the order of the Supreme Court, New York County, entered December 4, 2008, dismissing the complaint as against defendants-respondents,

And an order of this Court having been entered on February 16, 2010 [M-5497], denying plaintiff's motion for reargument of the aforesaid decision and order of this Court entered on December 1, 2009,

And plaintiff-appellant having renewed his motion for reargument of the decision and order of this Court entered on December 1, 2009 (Appeal No. 1596) [M-2507, M-3086]; and for related relief [M-2507],

And defendant-respondent Polytechnic University having cross-moved for the imposition of sanctions for frivolous conduct pursuant to Rule 130 of the Uniform Rules of the Chief Administrator [M-2659],

And plaintiff having moved this Court, by separate motions, for the issuance of subpoenas with respect to certain individuals, said motions returnable on July 12, 2010 (M-3086); August 30, 2010 [M-4069], and October 26, 2010 (M-5112),

And plaintiff having moved this Court for an order of protection with respect to two previously elected federal government officials and unidentified family members of said persons, returnable September 27, 2010 [M-4642],

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 motions by the plaintiff Seth A. Mensah [M-2507/M-3086/M-4069/M-5112/M-4642] are in all respects denied, with one bill of \$100 costs payable by plaintiff to defendant-respondent Polytechnic University, and it is further,

Ordered that the cross motion [M-2659] is granted only to the extent of deeming plaintiff's conduct as frivolous in violation of Rule 130 of the Uniform Rules of the Chief Administrator, and otherwise denied, and it is further,

Ordered that plaintiff is advised that this matter has in all respects been concluded. Plaintiff is directed to serve no further papers with respect to this action upon any of the defendants without a prior order of this Court, and the Clerk is directed to accept no further submissions from plaintiff without such an order.

ENTER:

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

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2010.

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

-----X

Eric Elmore, Jr., an infant by his parents and natural guardians, Eric Elmore, Sr. and Maria Elmore, and Eric Elmore, Sr., individually and Maria Elmore, individually,
Plaintiffs-Appellants,

SEALED

M-5165

Index No. 8580/04

-against-

2720 Concourse Associates, L.P.,
and Pietro Ruggiero,
Defendants-Respondents.

-----X

Appeals having been taken from the orders of the Supreme Court, Bronx County, both entered on or about May 28, 2010, and said appeals having been perfected,

And an order of this Court entered September 30, 2010 (M-4005/M-4366) having restrained plaintiff Maria Elmore from retaining counsel for plaintiffs other than current counsel of record, Wingate, Russotti & Shapiro, LLP,

And current counsel for plaintiffs, Wingate, Russotti & Shapiro, LLP, having moved for an order holding purported new counsel for plaintiffs, Burns & Harris, Esqs. (Christopher J. Donadio of counsel), in contempt with related relief for violation of the order of this Court,

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

Ordered that the motion is denied without prejudice to further proceedings in Supreme Court, Bronx County.

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 16, 2010.

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

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

-against-

M-5024
Ind. No. 1664/09

Nicole Carter,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 1, 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 **expeditiously** 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 to on or before March 21, 2011 for the June 2011 Term. Counsel is directed to immediately serve a copy of this order upon the Clerk of Supreme Court, New York County, and the individual Court Reporters. (See M-5527 entered simultaneously herewith)

ENTER:

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

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2010.

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

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

-against-

M-5527
Ind. No. 1664/09

Nicole Carter,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 1, 2010,

And an order of a Justice of the Supreme Court, New York County (Roger S. Hayes, J.) having been entered on or about November 8, 2010 pursuant to CPL 460.50 Subd 1; releasing defendant upon her own recognizance pending hearing and determination of the aforesaid appeal,

And defendant having moved for an order, pursuant to CPL §§460.50[4], extending the stay of execution of sentence and continuing her release on her own recognizance, until 120 days from the date appellate counsel is assigned and such counsel has received the complete 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 to the extent of extending the stay of execution of sentence and continuing defendant's release on her own recognizance on condition that counsel perfect the appeal on or before March 21, 2011 for the June 2011 Term, and it is further

Ordered that counsel is directed to immediately serve a copy of this order upon the Clerk of Supreme Court, New York County and the individual Court Reporters along with a copy of the order of this Court (M-5024) entered simultaneously herewith.

ENTER:

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

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 16, 2010.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John W. Sweeny, Jr.
Sheila Abdus-Salaam, Justices.

-----X
Lottie Nugent,

Plaintiff-Respondent,

-against-

1235 Concourse Tenants Corp., et al.,

Defendants-Appellants.
-----X

M-5248
Ind. No. 310015/08

Defendants-appellants having moved for an order staying trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 19, 2010,

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

It is ordered that the motion 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 16, 2010.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John W. Sweeny, Jr.
Sheila Abdus-Salaam, Justices.

-----X
Bruce Grilikhes,
Plaintiff-Appellant,

-against-

M-5235
Index No. 104734/06

International Tile & Stone Show Expos,
also known as International Tile and
Stone Show, Ltd., also known as ITSS
Expos, et al.,
Defendants-Respondents,

-and-

New York Convention Center Development
Corporation,
Defendant.

-----X

An appeal having been taken to this Court by the above-named plaintiff-appellant from the order of the Supreme Court, New York County, entered on or about September 14, 2009,

And Furman Kornfeld & Brennan LLP (A. Michael Furman, of counsel) having moved on behalf of Andrew Rosenbaum, Esq., 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 denied.

ENTER:



Clerk.

PM ORDERS

ENTERED

NOVEMBER 18, 2010

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

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

-----X
Helen Salichs,
Plaintiff-Respondent,

-against-

M-4480
Index No. 313774/96

Warren James,
Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of enforcement of the interim order of the Supreme Court, New York County, entered on or about September 2, 2010, pending hearing and determination of the appeal taken therefrom,

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 18, 2010.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
James M. McGuire
Sallie Manzanet-Daniels, Justices.

-----x

In the Matter of

Tyami Alotta M., also known as
Tyami M., also known as Ty-Ami M.,
also known as Tammy M., also known as
"Baby Girl" M.,

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

M-5344 (09)
Docket No. B27707/06

Little Flower Children and Family
Services of New York, et al.,
Petitioners-Respondents,

Marisa M., also known as Marissa M.,
Respondent-Appellant.

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

-----x

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about February 15, 2008,

Now, upon reading and filing the motion of assigned counsel for appellant, dated November 15, 2009 to withdraw the appeal, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal is deemed withdrawn.

ENTER:



Clerk

CORRECTED ORDER – December 3, 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 18, 2010.

PRESENT - Hon: Peter Tom, Justice Presiding,
David Friedman
Leland G. Degrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
Cora Cahan Gersten and Bernard Gersten,
Plaintiffs-Appellants,

-against-

56 7th Avenue LLC and Northbrook
Management LLC,
Defendants-Respondents,

M-5350
M-5495
Index No. 603878/09

56 Seventh Avenue Corporation, et al.,
Defendants.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 15, 2010,

And Metropolitan Tower Life Insurance Company (M-5350), and Plaintiff Class Representatives appointed in *Roberts v Tishman Speyer Properties, L.P.* (N.Y. Co. Index No. 100956/07) (M-5495), respectively, having each moved for leave to file a brief amicus curiae with respect to the aforesaid appeal,

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

It is ordered that the motions are denied.

ENTER:



Clerk.