

At a 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 23, 2010.

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

-----X
Bank of America, N.A.,
Plaintiff-Respondent,

-against-

M-4775X
Index No. 650041/09

Spencer Trask & Co. and Kevin
Kimberlin,
Defendants-Appellants.
-----X

Appeals having been taken from an order and judgments of the Supreme Court, New York County, entered on or about January 7, 2010 (mot. seq. no. 001), and January 27, 2010 and May 11, 2010, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 22, 2010, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.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 23, 2010.

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

-----X
Newmark Construction Services, L.L.C.,
Plaintiff-Respondent,

-against-

M-5238X
Index No. 604008/06

Cocoa Partners, et al.,
Defendants-Respondents,

V.A.L. Floors, Inc.,
Defendant-Appellant.

-----X
Newmark Construction Services, L.L.C.,
et al.,
Third-Party Plaintiffs,

-against-

Index No. 590725/07

Catherine Springer,
Third-Party Defendant.

-----X
Cocoa Partners, L.P.,
Fourth-Party
Plaintiff-Respondent,

-against-

Index No. 590949/07

McCartan, Inc.,
Fourth-Party
Defendant-Appellant.

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 19, 2010, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.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 23, 2010.

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

-----X
73 Worth Street Acquisition, LLC,
Plaintiff-Respondent,

-against-

M-5387X
Index No. 604149/06

A.D. Winston Corporation,
Defendant-Respondent.

-----X
A.D. Winston Corporation,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 7590801/07

A.D. Plumbing Corp.,
Third-Party Defendant-Respondent.

-----X
A.D. Winston Corporation,
Second Third-Party
Defendant-Respondent,

-against-

Platinum Wood Floors, Inc.,
Second Third-Party
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 26, 2010 (mot. seq. no. 007),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 26, 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 23, 2010.

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

-----X
Heather Krentsel,
Plaintiff-Respondent,

-against-

M-5389X
Index No. 103823/08

Loews Miami Beach Hotel Operating
Company, Inc. and Loews Hotels Holding
Corporation,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 14, 2010 (mot. seq. no. 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 23, 2010.

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

-----X
Peri Arenas,
Plaintiff-Appellant-Respondent,

-against-

M-5388X
Index No. 602441/07

65th Town House, LLC, et al.,
Defendants-Respondents-Appellants.

-----X
An appeal and cross appeals having been taken from the order of the Supreme Court, New York County, all entered on or about March 4, 2010 (mot. seq. no. 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 and cross appeals are 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 23, 2010.

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

-----X
Charlotte Valentin,
Plaintiff-Respondent,

-against-

Blane Crutchfield,
Defendant-Appellant,

M-5459
Index No. 106051/08

-and-

Hand Arendall, LLC,
Defendant-Respondent,

-and-

John Does 1,2,3 and XYZ Corporation,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 6, 2009,

Now, upon reading and filing the stipulation of the parties hereto, filed November 1, 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 23, 2010.

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

-----X
The Board of Managers of the Atrium
Condominium,
Plaintiff-Appellant,

-against-

M-5457
Index No. 119679/96

West 79th Street Corp., et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 4, 2006, and said appeal having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, filed November 1, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 2007 Term and adjourned upon successive stipulations to the December 2010 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 23, 2010.

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

-----X
Ana A. Merced, as Guardian Ad Litem
for Ana L. Merced,
Plaintiff-Respondent,

-against-

M-4666
Index No. 301579/07

Capital Hall Preservation Housing
Development Fund Corporation, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a preliminary injunction and/or a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 15, 2010,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Gary M. Sunshine, Esq., of counsel, dated September 27, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 23, 2010.

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

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

-against-

M-5118
Ind. No. 2575/07

Jose Mora, also known as Omar Valdez,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about November 3, 2008, and said appeal having been perfected,

And the People having moved for dismissal of said appeal on the grounds that defendant has been deported,

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 23, 2010.

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

-----X

In the Matter of

Tanisha Shabazz A., also known as
Tanisha A., also known as Tanisha G.,

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

M-4841
Docket No. B1818/08

SCO Family Services,
Petitioner-Respondent

Latisha G., also known as Latisha
Shabazz G., also known as Latisha A.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother 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 September 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, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, NY 10013, Telephone No. (212) 693-2330, 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 23, 2010.

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

-----X
In the Matter of the Application of
Doris Quinones,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4758
Index No. 403044/09

John B. Rhea, as Chair of the New York
City Housing Authority, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 16, 2010, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 for respondent and file 8 copies of such brief, together with the original record, with this Court 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 23, 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,

M-3815
M-4012
Ind. No. 2679/09

-against-

Benjamin Dent,
Defendant-Appellant.

-----X
Defendant having moved, by separate motions, 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 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 motions, and due deliberation having been had thereon,

It is ordered that the motions are granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 23, 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-

Martin U. Nnodimele,

Defendant-Appellant.
-----X

M-5319
DC #42
Ind. No. 880/08

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 24, 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 23, 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-

Li-Chieh Pao,

Defendant-Appellant.
-----X

M-5320
DC #43
Ind. No. 1999/07

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 30, 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 23, 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-

Rafael Perez,

Defendant-Appellant.
-----X

M-5321
DC #44
Case Nos. 53125C/05
2607C/05

An appeal having been taken to this Court by defendant from judgments of the Supreme Court, Bronx County, rendered on or about November 29, 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 23, 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 Robinson,

M-5327
DC #50
Ind. No. 1883/04

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 26, 2004,

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 23, 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-

Antonio Rodriguez,

M-5328
DC #51
Ind. No. 5637/07

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 3, 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 23, 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-

Nicholas Sanchez,

M-5331
DC #54
Case No. 03438C/05

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 August 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 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 23, 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-

Howard Smith,

M-5334
DC #57
Ind. No. 1744/05

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 August 1, 2005,

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 23, 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-

Kenneth Stanley,

Defendant-Appellant.
-----X

M-5337
DC #60
Ind. No. 4421/07

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about October 7, 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 23, 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-

Jameek Stillee,

Defendant-Appellant.

M-5338
DC #61
Ind. Nos. 4863/06
5672/00

-----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 24, 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 23, 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-5339
DC #62
Gabriel Tiribio, Ind. No. 1020/07

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 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 23, 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-5341
DC #64
Ramon Urena, Ind. No. 1952N/08

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 February 10, 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 23, 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-

Marcoangelo Vargas,

Defendant-Appellant.
-----X

M-5342
DC #65
Case No. 70340C/07

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx 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 23, 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-

Travon Williams,

Defendant-Appellant.
-----X

M-5344
DC #68
Ind. No. 6248/07

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 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 23, 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-

Tyrone Williams, also known as
Tyrone L. Williams,

M-5345
DC #69
Ind. No. 2778/03

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 January 5, 2004,

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 23, 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-5347
DC #71
Jason Wine, Ind. No. 443/06

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 March 22, 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 23, 2010.

Present - Hon. Luis A. Gonzalez,
David B. Saxe
James M. McGuire
Rolando T. Acosta
Nelson S. Roman,

Presiding Justice,

Justices.

-----X
In the Matter of

Ytossie Audrea J.,

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

M-4757A
Docket No. B11671/07

Harlem Dowling-Westside Center for Children and Family Services, et al.,
Petitioners-Respondents,

Toyie D. H., also known as Toyie J.,
Respondent-Appellant.

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

Respondent-appellant mother 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 September 1, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and

§1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516) 921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order and;** (4) directing appellant to perfect this appeal, in compliance with Rule 600.11 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.** The order of this Court entered on December 17, 2009 (M-4757), is hereby recalled and vacated.

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 23, 2010.

Present - Hon. Luis A. Gonzalez,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe,

Presiding Justice,

Justices.

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

Respondent,

-against-

M-3229A
Ind. No. 3605/07

Jahmal Nelson,

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 June 4, 2010, 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 the correspondence from retained counsel Daniel S. Kratka, Esq., dated August 23, 2010, and due deliberation having been had thereon,

It is ordered that the motion is denied, as unnecessary, the prior order of this Court (M-3229) is hereby recalled and vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 23, 2010.

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

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

Ronnie Allen,
Petitioner-Appellant,

For a Judgment, etc.,

M-4476

Index No. 400132/09

-against-

Division of Human Rights, MTA
New York City Transit, New York
State Division of Human Rights,
Respondents-Respondents.

-----X

Petitioner-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 July 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 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 23, 2010.

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

-----X
Clorinda Rivera,

Plaintiff-Appellant,

-against-

Merrill Lynch/WFC/L/Inc., et al.,

Defendants-Respondents.
-----X

M-4484
Index No. 115385/05

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 10, 2009 (mot. seq. no. 003, 004),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 23, 2010.

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

-----x
Linda Smith, etc.,
Plaintiff-Appellant,

-against-

M-4486
Index No. 13227/02

Queens-Long Island Medical Group, P.C.,
et al.,
Defendants,

-and-

Demetrios Karides,
Defendant-Respondent.

-----x
[And a third-party action]
-----x

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about December 16, 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 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 23, 2010.

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

-----X
Cesar Espinoza,

Plaintiff-Respondent.

-against-

M-4705
Index No. 150503/07

The Rector, Church Wardens and
Vestry Members of the Church of
St. Luke in Fields, New York,
New York, et al.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 4, 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 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 23, 2010.

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

-----x

Ian Gavigan,
Plaintiff-Respondent-Appellant,

-against-

M-4617

M-4725

Index No. 109761/06

The City of New York,
Defendant-Appellant-Respondent,

-and-

Petrocelli Electric Company, Inc.,
et al.,
Defendants.

-----x

Defendant-appellant-respondent having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County entered on or about December 15, 2009 (M-4617),

And plaintiff-respondent-appellant having cross-moved for an enlargement of time in which to perfect their cross appeal (M-4725),

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time in which to perfect the appeal and cross appeal 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 23, 2010.

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

-----X
Cynthia Warren,

Plaintiff-Appellant,

-against-

New York Presbyterian Hospital,

Defendant-Respondent.
-----X

M-4703
Index No. 104197/06

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

And plaintiff-appellant having moved for an order compelling defendant-respondent to produce certain trial exhibits and hospital charts, and 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 only to the extent of enlarging the time in which to perfect the appeal to the March 2011 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 23, 2010.

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

-----X
Peter Voutsas,

Plaintiff-Appellant,

-against-

M-4688

Index No. 109888/07

Blake N. Soper, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 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 23, 2010.

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

-----x
The City of New York,
Plaintiff-Respondent,

-against-

Penn Central Corp., et al.,
Defendants,

M-4752
Index No. 250007/09

La Sirenita Food and Disco Inc.,
etc.,
Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about December 1, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 3, 2010, 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 23, 2010.

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

-----x
Aaron Seligson, et al.,
Plaintiffs-Appellants-Respondents,

-against-

Albert Russo, et al.,
Defendants-Respondents-Appellants.

M-4813
Index No. 601608/99

-----x

Plaintiffs-appellants-respondents having moved for an enlargement of time to perfect their appeal from the order of the Supreme Court, New York County entered on or about October 13, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 21, 2010, 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 and cross 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 23, 2010.

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

-----X
Rita DiCarlo,

Plaintiff-Appellant,

-against-

Beacway Operating LLC,

Defendant-Respondent.
-----X

M-4522
Index No. 114153/07

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 7, 2009 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 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 23, 2010.

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

-----x

Landmark West! Inc., et al.,
Petitioners-Appellants,

For a Judgment, etc.,

M-4904

Index No. 650354/08

-against-

City of New York Board of Standards and
Appeals, et al.,
Respondents-Respondents.

Nizam Peter Kettaneh, et al.,
Petitioners-Appellants,

For a Judgment, etc.,

Index No. 113227/08

-against-

Board of Standards and Appeals of the
City of New York, et al.,
Respondents-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County entered on or about October 6, 2009,

And an order of this Court having been entered on August 17, 2010 (M-3591), inter alia, granting an enlargement of time in which to perfect the aforesaid appeal, and denying, with leave to renew, petitioner-appellants' request to calendar the within appeal with the appeal in *Kettaneh v NYC Board of Standards and Appeals* (NY Ind. No. 113277/08),

And petitioners-appellants having moved for an enlargement of time in which to perfect their appeal, and renewing that portion of the motion to calendar the appeal with the appeal in *Kettaneh v NYC Board of Standards and 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 petitioners-appellants' appeal to on or before January 3, 2011 for the March 2011 Term, to which Term the perfected appeal in *Kettaneh v NYC Board of Standards and Appeals* (NY Co. Ind. No. 113277/08, App. Div. Calendar No. 1757) is adjourned. The Clerk is directed to calendar the appeals for hearing together in said 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 23, 2010.

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

-----X

The People of the State of New York
ex rel. David Johnson,

Petitioner,

M-4021

Ind. No. 3237/06

-against-

Robert T. Johnson, District Attorney,
Bronx County,

Respondent.

-----X

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

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

Ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon David Johnson at Mid Hudson Forensic Hospital #11927, W.32, Building 3, 2834 Route 17M, Box 158, New Hampton, New York 10958; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, be deemed due and sufficient notice.

ENTER :


Clerk.

At a 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 23, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. McGuire
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Joyce Henderson,
Plaintiff-Respondent,

-against-

M-3321A
Index No. 15851/06

Manhattan and Bronx Surface Transit
Operating Authority, et al.,
Defendants-Appellants,

City of New York, et al.,
Defendants.

-----X

Defendants-appellants Manhattan and Bronx Surface Transit Operating Authority, **New York City Transit Authority** and John H. Williams 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 June 24, 2010 (Appeal No. 2111N),

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

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

"Was the order of Supreme Court, as affirmed by this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. The order of this Court entered on October 28, 2010 (M-3321) is hereby recalled and vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 23, 2010.

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

-----X

In the Matter of

Henry S.,

An Incapacitated Person.

P. Gregory Hess, As Executor
of the Estate of Henry Sanders,
Executor-Respondent,

M-4604
Index No. 91775/04

Sandra M. Prowley,
Co-Guardian Appellant.

-----X

An appeal having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about February 10, 2009, May 4, 2009, June 5, 2009, August 20, 2009 and September 15, 2009, respectively,

And co-guardian appellant having moved to have her commission paid,

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 23, 2010.

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

-----X
In the Matter of the Application of
Thompson Nelson,

Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4662
Index No. 402931/09

Joel S. Meadows, Esq.,

Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about March 11, 2010, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 23, 2010.

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

-----X
2470 Cadillac Resources, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-5075
Index No. 603613/08

DHL Express (USA), Inc., and
Deutsche Post AG,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 21, 2009,

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

It is ordered that the motion is denied as unnecessary, the appeal having already been perfected for 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 23, 2010.

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

-----X
Christian Acevedo, an infant by his mother and natural guardian, Marta Acevedo, and Marta Acevedo, individually,

Plaintiffs-Respondents-Appellants,

M-4529

Index No. 24153/05

-against-

The City of New York and the New York City Department of Education,

Defendants-Appellants-Respondents.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 12, 2009,

And defendants-appellants-respondents having moved for an enlargement of time in which to perfect the aforesaid appeal and cross appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal 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 23, 2010.

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

-----X
Betsy Harris,
Plaintiff-Respondent,

-against-

M-5078
Index No. 111955/08

Thomas Sculco, M.D., et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of discovery in the above-entitled action pending hearing and determination of the appeal taken from an order of the Supreme Court, New York County, entered on or about September 17, 2010 (mot. seq. no. 005),

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before January 3, 2011 for the March 2011 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 23, 2010.

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

-----x
In the Matter of the Application of
Lechar Realty Corp. and Lechar Realty,
LLC,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78
of the CPLR,

M-5364
Index No. 115861/07

-against-

Steven Lawitts, etc., et al.,
Respondents-Respondents.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County entered on or about August 6, 2008, and said appeal having been perfected,

And petitioners-appellants having moved for leave to withdraw their papers previously submitted with respect to the aforesaid appeal, for a further enlargement of time in which to perfect the appeal from an amended judgment, 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 petitioners' appeal from the judgment entered on or about August 6, 2008 withdrawn and stricken from the calendar, without prejudice to petitioners taking a timely appeal from an amended judgment. The Clerk is directed to accept the filing without further fee.

ENTER:


Clerk

At a 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 23, 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-4339
Ind. No. 3903/09

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

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 23, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Leland G. DeGrasse
Nelson S. Román, Justices.

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

Respondent,

-against-

M-4736
Ind. No. 4588/01

Samuel Baez,

Defendant-Appellant.
-----x

Assigned counsel for defendant having moved for dismissal of the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about November 7, 2008,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 23, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Leland G. DeGrasse
Nelson S. Román, Justices.

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

Respondent,

-against-

M-4737
Ind. No. 7293/01

Marcus Culbert,

Defendant-Appellant.
-----x

Assigned counsel for defendant having moved for dismissal of the appeal from the judgment of **resentence** of the Supreme Court, New York County rendered on or about December 1, 2008,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 23, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Leland G. DeGrasse
Nelson S. Román, Justices.

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

Respondent,

-against-

M-4739
Ind. No. 7007/00

Rene Delgado,

Defendant-Appellant.
-----x

Assigned counsel for defendant having moved for dismissal of the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 9, 2008,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 23, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Leland G. DeGrasse
Nelson S. Román, Justices.

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

Appellant,

-against-

M-4757
Ind. Nos. 9280/99
5364/04

Jerry Williams,

Defendant-Respondent.
-----x

The People having taken consolidated appeals to this Court from the judgments of **resentence** of the Supreme Court, New York County, entered on or about January 7, 2010 and March 17, 2010, respectively,

And 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 June 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 23, 2010.

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

-----X
Barbara Ross and Robert Tembeckjian,
Plaintiffs-Respondents-Appellant,

-against-

Betty G. Reader Revocable Trust and
Emigrant Business Credit Corporation,
Defendants-Appellants-Respondents,

M-4964
Index No. 17038/07

Uno Restaurant Holdings Corp.,
Individually and doing business as
Uno Chicago Grill, et al.,
Defendants-Respondents.

-----X

Defendant-appellant-respondent Emigrant Business Credit Corporation having moved for a stay of trial pending hearing and determination of the appeals and cross appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 29, 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 continuing the interim relief granted by an order of a Justice of this Court, dated October 6, 2010, on the same terms and conditions, with no further adjournments to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 23, 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

Javon M.,

A Child Under 18 Years of Age Alleged
to be Neglected Pursuant to Article 10
of the Family Court Act.

Administration for Children's Services,
Petitioner-Respondent,

M-4407
Docket No. NN-7188/09

Meredith M.,
Respondent-Appellant.

Thomas Caruso, Esq.,
Law Guardian for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of protection of the Family Court, Bronx County, entered on or about August 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 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 23, 2010.

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

-----x
GUS Consulting GMBH, etc., et al.,

Plaintiffs-Appellants,

-against-

M-4704
Index No. 106539/01

Chadbourne & Parke LLP,

Defendant-Respondent.
-----x

An order of this Court having been entered on October 14, 2010 (M-3784), denying plaintiffs-appellant's motion for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 24, 2010 (Appeal Nos. 3148-3149),

And plaintiffs-appellants having moved for leave to supplement the aforesaid order with a certain decision by the Colorado trial 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.

ENTER:


Clerk

At a 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 23, 2010.

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

-----X
Daniel Villegas, et al.,
Plaintiffs-Respondents,

-against-

M-4141
Index No. 105229/06

408 Broadway, LLC,
Defendant,

AP Bid Management Corp.,
Defendant-Appellant.

-----X
(And other actions)

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 September 30, 2009,

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

It is ordered that the motion is 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 23, 2010.

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

-----X
Flor Leopold,

Plaintiff-Appellant,

-against-

M-4665

Index No. 307113/07

Daniel H. Leopold,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 6, 2009 (mot. seq. no. 007),

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

It is ordered that the motion is 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 23, 2010.

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

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

Valery Juste,

Petitioner-Appellant,

For a Judgment, etc.,

M-4661

Index No. 116017/08

-against-

Joel I. Klein, Chancellor of the
Department of Education of the
City of New York, et al.,

Respondents-Respondents.

-----X
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 August 6, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 23, 2010.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
Mark Scheiner, et al.,

Plaintiffs-Appellants,

-against-

DAC Holdings, LLC, et al.,

Defendants-Respondents.
-----x

M-4715
Index No. 602295/02

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about July 2, 2010 (mot. seq. no. 007),

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

It is ordered that the motion is granted unless the appeal is perfected for the April 2011 Term.

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 23, 2010.

Present - Hon. Rolando T. Acosta, Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x
In the Matter of

Tyima M., and
Talaya Essence Helen M.,

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

M-3367
Docket Nos. NN-14976/10
NN-14977/10

The Commissioner of Social Services
of the City of New York,
Petitioner-Appellant,

Shatima M.,
Respondent-Respondent.

Carlos Gonzalez, Esq.,
Law Guardian for the Children.

-----x
Respondent-respondent mother having moved for a stay of the order of the Family Court, Bronx County, entered on or about June 29, 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 23, 2010.

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

-----x
Christopher Chunn,
Plaintiff-Respondent,

-against-

New York City Housing Authority,
Defendant-Appellant-Respondent,

M-4231
M-4232
Index No. 116764/06

-and-

American Security Systems, Inc.,
Defendant-Respondent-Appellant.

-----x
New York City Housing Authority,
Third-Party Plaintiff-Appellant-Respondent,

-against-

Third Party
Index No. 590332/07

American Security Systems, Inc.,
Third-Party Defendant-Respondent-Appellant.

-----x
New York City Housing Authority,
Second Third-Party Plaintiff-
Appellant-Respondent,

-against-

Second Third Party
Index No. 590870/07

National Casualty Company and
Scottsdale Insurance Company,
Second Third-Party Defendants.

-----x
An order of this Court (M-2976/M-3093) having been entered August 10, 2010, granting consolidation of the appeals taken to this Court by defendant/third-party plaintiff/second third-party plaintiff-appellant New York City Housing Authority from the judgment and order (one paper) of the Supreme Court, New York County, entered on or about September 2, 2009 (mot. seq. Nos. 5, 7), an order of said court and justice entered April 29, 2010, and a cross appeal having been taken by defendant/third-party defendant American Security Systems, Inc. from the aforesaid judgment and order entered on or about September 2, 2009 (mot. seq. nos. 5, 7), respectively,

November 23, 2010

And cross-appellants American Security Systems, Inc. (M-4231) and New York City Housing Authority (M-4232) having moved separately for a stay of trial pending hearing and determination of the aforesaid consolidated appeals,

Now, upon reading and filing the papers with respect to the motions, and correspondence from Neil R. Finkston, Esq., of counsel, on behalf of the New York City Housing Authority dated September 10, 2010 and due deliberation having been had thereon,

It is ordered that the motion of the New York City Housing Authority (M-4232), is deemed withdrawn and the motion of American Security Systems, Inc. (M-4231) is denied.

ENTER:


Clerk.

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

BEFORE: **Hon. Luis A. Gonzalez,**
Presiding Justice.

-----X

The People of the State of New York,	:	M - 4367
- against -	:	CERTIFICATE DENYING LEAVE
Lawrence Jackson	:	Indictment No.
	:	910/05

-----X

I, Luis A. Gonzalez, 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 Section 460.15 of the Criminal Procedure Law, 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 17, 2009, is hereby denied.

Dated: New York, New York
November 18, 2010


Justice

ENTERED

NOV 23 2010

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,

Respondent,

M-4649
Ind. No. 5671/85

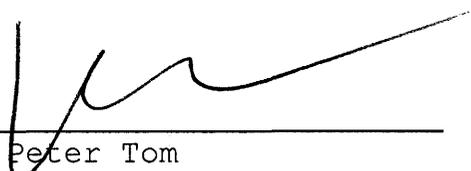
-against-

CERTIFICATE
DENYING LEAVE

Felix Laporte,

Defendant.
-----X

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 1, 2010 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: October 28, 2010
New York, New York

ENTERED NOV 23 2010

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

BEFORE: Hon. Peter Tom
Associate Justice of the Appellate Division

-----X
In the Matter of the Application of
Yvonne Merritt,

Petitioner-Respondent,

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

-against-

M-4836
Index No. 402480/09

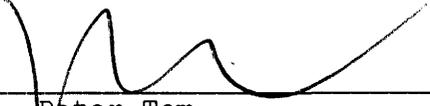
John B. Rhea, as Acting Chairperson
and Member of the New York City
Housing Authority,

Respondent-Appellant.
-----X

Petitioner having moved for leave to appeal to this Court
from the order of the Supreme Court, New York County, entered on
or about July 28, 2010,

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

It is ordered that the motion is granted.



Hon. Peter Tom
Associate Justice

Dated: October 28, 2010
New York, New York

Entered: **NOV 23 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-2999
Ind. No. 5954/03

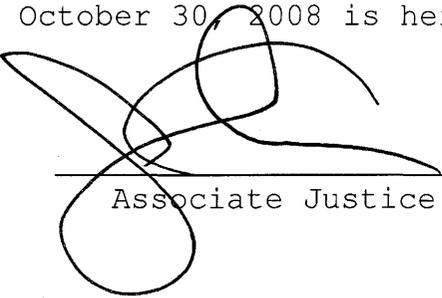
-against-

CERTIFICATE
DENYING LEAVE

Ronnie Covington, a/k/a Ronald Covington

Defendant.
-----X

I, James M. Catterson, 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 October 30, 2008 is hereby denied.



Associate Justice

Dated: November 10, 2010
New York, New York

ENTERED: **NOV 23 2010**

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-4048
Ind. No. 3938/08

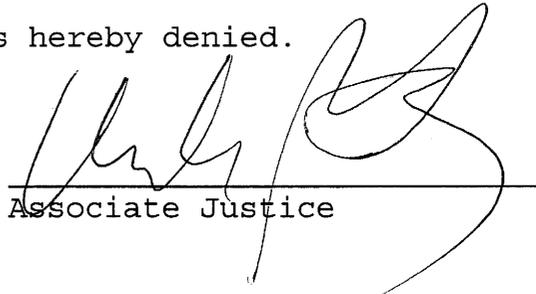
-against-

CERTIFICATE
DENYING LEAVE

Tony Clanton

Defendant.
-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed 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 that 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 6, 2010, is hereby denied.



Associate Justice

Dated: *November 18*, 2010
New York, New York

ENTERED: **NOV 23 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,

-against-

M-5431
Ind. No. 1004/07

ORDER DENYING LEAVE
UPON REARGUMENT

Eric Harding, Defendant.

-----X

I, Leland G. DeGrasse, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application made by the above-named defendant for reargument
of the order of a Justice of this Court (M-4314), entered on
October 5, 2010, which denied his motion for a certificate
pursuant to Criminal Procedure Law, section 460.15, and no
question of law or fact having been misapprehended or overlooked,
permission to reargue the denial of leave to appeal from the
order of the Supreme Court, New York County, entered on or about
June 18, 2010 is hereby denied.



Leland G. DeGrasse
Justice of the Appellate Division

Dated: November 12, 2010
New York, New York

ENTERED NOV 23 2010

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

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

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

M-5363
Ind. No. 2694/06

-against-

CERTIFICATE
GRANTING
LEAVE

DONNELL ALSTON.
-----X

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, New York County, entered on or about September 28, 2010.¹

Dated: November 10, 2010
New York, New York



Hon. Helen E. Freedman
Associate Justice

ENTERED

NOV 23 2010

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

¹In 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.

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

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

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

M-2249
Ind. No. 2179/94

-against-

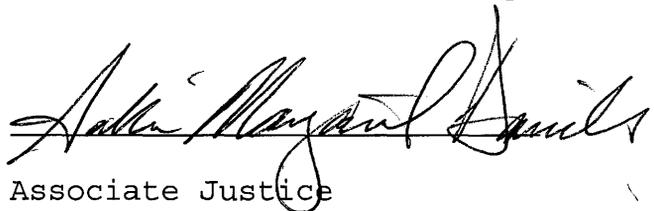
Alberto Rodriguez,

Defendant.
-----X

The above-named defendant having moved for an extension of time to file a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15 for leave to appeal the order of Supreme Court, Bronx County, entered on or about January 4, 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 to the extent of granting defendant leave to file the certificate within 60 days from the date of entry hereof.


Associate Justice

Dated: October 8, 2010
New York, New York

ENTERED: **NOV 23 2010**

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.

PM ORDERS

ENTERED

NOVEMBER 23, 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 23, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

Aikio Garnes, etc., et al.,
Plaintiffs-Respondents,

-against-

M-5489

Index No. 22790/02

The City of New York, et al.,
Defendants-Appellants,

-and-

Severiano Marrero,
Defendant.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 6, 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 23, 2010.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Milagros Collado,
Plaintiff-Respondent,

-against-

Antonio Cruz,
Defendant-Respondent,

M-5302
Index No. 21872/06

-and-

Pichon III, Inc.,
Defendant-Appellant.

-----X

Defendant-appellant Pichon III, Inc. having moved for a stay of trial , pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 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 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 23, 2010.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

Richard Florman,
Plaintiff-Respondent,

-against-

M-5203
Index No. 105982/07

The Mount Sinai Hospital
Defendant,

-and-

Central Parking System of New York,
Inc.,
Defendant-Appellant,

-----X

Defendant Central Parking System of New York, Inc. having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 29, 2010 (mot. seq. no. 002),

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

It is ordered that the motion is 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 23, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Alexander Messina and Lori Messina,
Plaintiffs-Respondents,

-against-

New York City Transit Authority,
E.A. Technologies, Stevens Appliance
Truck Co. and New Haven Moving
Equipment Corporation,
Defendants-Respondents,

M-5406
Index No. 102507/04

-and-

E.A. Technologies/Petrocelli, J.V.,
LLC,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 24, 2010,

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

It is ordered that the motion is granted on condition appellant perfects its appeal 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 23, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Leota Susan Branche,
Plaintiff-Respondent,

-against-

M-5378
Index No. 304723/08

Douglas Holloway,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 2, 2010 (mot. seq. no. 007)

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated October 27, 2010, is hereby vacated.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 23, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

In the Matter of the Application of
Mazur Carp Rubín & Schulman, P.C.,
Attorneys at Law,
Petitioners-Respondents,

to Fix and Determine Compensation of Said
Attorneys for Litigation Services Rendered
to Ruth A. Haderski, Sherrill L. Deandrage,
Grace L. Price, Margaret M. Haderski
and Susan M. Cook as Beneficiaries of the
Estate of

M-5418
File No. 2929/04

Stephen Haderski, also known as Stephen J.
Haderski, Jr., also known as Stephen J.
Haderski, also known as Stephen Joseph
Haderski, Deceased,
Respondents-Appellants.

-----X

Respondents-appellants having moved for leave to prosecute, as poor persons, the appeals from an order of the Surrogate's Court, New York County, entered on or about January 14, 2010 and the decree from the same court and surrogate entered on or about September 16, 2010, respectively, for leave to have the appeals heard on the original record and upon reproduced appellants' briefs, for an enlargement of time in which to perfect the appeal from the aforesaid order, and for a stay of enforcement of said decree pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motion is granted only to the extent of staying enforcement of the Surrogate's Court decree on condition respondents post a bond in the amount of \$216,747.00 and on further condition that the appeal from the aforesaid decree be perfected for the May 2011 Term. The motion is otherwise denied, the appeal from the aforesaid order entered January 14, 2010 having been subsumed in the appeal from the decree.

ENTER: 
Clerk.