

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X
In the Matter of

Oneil C.,

A Child Under the Age of 18 Years
Alleged to be Neglected.

Administration for Children's Services,
Petitioner-Appellant,

M-2811
Docket No. N3718/10

Yolanda R.,
Respondent-Respondent,

Hugh R.,
Respondent-Respondent,

Patricia B.,
Non-Party Respondent.

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 March 4, 2010,

Now, upon reading and filing the correspondence from Stephen J. McGrath, Esq., Assistant Corporation Counsel for The City of New York Law Department filed May 24, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X
Claudia Sarmiento Ortiz, et al.,
Plaintiffs,

-against-

M-4051X
Index No. 101163/07

AWL Industries Inc., et al.,
Defendants.
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 5, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 10, 2010, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation.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 October 5, 2010.

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

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

-against-

M-101A
Ind. No. 3883/08
6214/08

Akeem Jordan,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 18, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. (The order of this Court entered on February 9, 2010 [M-101] 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 October 5, 2010.

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

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

-against-

M-3943
Ind. No. 463/03

Michael Watson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 6, 2010, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 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

Mary March,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

M-4269
Index No. 402740/09

-against-

John B. Rhea, as Chairman of
The New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 4, 2010,

And respondent having moved for the dismissal of the aforesaid proceeding,

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

It is ordered that the motion is granted unless petitioner perfects the proceeding on or before December 6, 2010 for the February 2011 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X
The People of the State of New York
by Andrew Cuomo, Attorney General of
the State of New York,
Plaintiff-Respondent,

M-3326
Index No. 406796/07

-against-

First American Corporation, et al.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 8, 2010 (Appeal No. 1308),

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

PRESENT - Hon. Peter Tom, Justice Presiding
Richard T. Andrias
Jonh W. Sweeny, Jr.
Eugene Nardelli
Dianne T. Renwick, Justices

-----X
In re Sasha B.,

A Child Under The Age of Eighteen Years,
etc.

Erica B.,
Respondent-Appellant,

M-2949
Docket No. NN-4231/09

Administration for Children's Services,
Petitioner-Respondent.

-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 20, 2010 (Appeal No. 2418),

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X
New Media Holding Company L.L.C.,
Plaintiff-Respondent,

-against-

M-4102
Index No. 603742/09E

Konstantin Kagalovsky, Iota LP,
Defendants,

Aspida Ventures Ltd. and Seragill
Holdings, Ltd.,
Defendants-Appellants.

-----X
Konstantin Kagalovsky and Iota LP,
Counterclaim-Plaintiffs,

-against-

Vladimir Gusinski, New Media Holding
Company L.L.C. and New Media
Distribution Company, Ltd.,
Counterclaim-Defendants.

-----X

Defendants-appellants Aspida Ventures Ltd. and Seragill Holdings Ltd. having moved for a stay of all proceedings herein pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 27, 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, and the interim relief granted by an order of a Justice of this Court, dated August 16, 2010, is 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 October 5, 2010.

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

-----X
Ricardo Cuervo,
Plaintiff-Appellant,

-against-

Opera Solutions LLC, et al.,
Defendants-Respondents.

M-4281
Index No. 106641/09

-----X
Opera Solutions, LLC,
Plaintiff-Respondent,

-against-

Ricardo Cuervo,
Defendant-Appellant.

Index No. 601451/09

-----X

Plaintiff/defendant-appellant Ricardo Cuervo having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, (Index No. 106641/09) entered on or about January 14, 2010 and on or about July 23, 2010; and the appeals taken from the order of said Court (Index No. 601451/09) entered on or about January 4, 2010 and the judgment of said Court entered on or about May 18, 2010,

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

It is ordered that the motion is granted and appellant(s) directed to perfect the appeals on or before January 3, 2011 for the March 2011 Term. Appellant is permitted to prosecute the aforesaid appeals upon 10 copies of one record and of one set of appellant's points.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Minerva Vega,
Plaintiff-Respondent,

-against-

M-3312
Index No. 13154/04

Restani Construction Corp., et al.,
Defendants,

General Fence Corporation,
Defendant-Appellant.

-----X

Defendant-appellant 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 May 27, 2010 (Appeal No. 1619),

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.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X
Angelica Lopez and Denise Kranz, Esq.,
As Guardian Ad Litem for Jose Lopez,

Plaintiffs-Appellants,

-against-

M-4496
Index No. 104601/02

The City of New York and Consolidated
Edison Company of New York, Inc.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 7, 2010,

And plaintiffs having moved for an order amending the caption to identify Angelica Lopez as an adult and Jose Lopez as represented by a guardian, 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 and the caption is amended as above.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. McGuire
Karla Moskowitz
Helen E. Freedman, Justices.

-----x
Francisco DaSilva, et al.,
Plaintiffs-Respondents,

-against-

C & E Ventures, Inc., et al.,
Defendants,

M-3848
Index No. 402691/05

-and-

Port Authority of New York and
New Jersey,
Defendant-Appellant.

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

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 4, 2008, and said appeal having been heard,

And defendant-appellant having moved for a stay of trial herein until sixty (60) days after determination of the aforesaid appeal,

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

It is ordered that the motion is 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 October 5, 2010.

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

-----X
In re Elrac, Inc., etc.,
Petitioner-Respondent,

-against-

M-3375
Index No. 260539/08

Birtis Exum,
Respondent-Appellant.
-----X

Petitioner-respondent 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 May 4, 2010 (Appeal No. 2580N),

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-3874

Ind. No. 1549/09

Joseph Richards,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 7, 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 due deliberation having been had thereon,

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to to post the \$25,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X

In the Matter of

Sharon Crystal F.,

A Dependent Child under 18 Years
of Age Pursuant to §384-b
of the Social Services Law,

Catholic Guardian Society & Home
Bureau, et al.,
Petitioners-Respondents,

M-3405

Docket No. B136/08

John F.,
Respondent-Appellant.

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

-----X

Respondent-appellant father, John F., having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 21, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, as counsel for purposes of prosecuting the appeal; (2) directing the

October 5, 2010

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

ENTER:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X
In the Matter of

Sukwa Sincere G.,

A Dependent Child under 18 Years
of Age Pursuant to §384-b
of the Social Services Law,

Catholic Guardian Society and Home
Bureau, et al.,
Petitioners-Respondents,

M-3426
Docket No. B-7367/09

Shamiqua Latisha S.,
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 May 17, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Daniel R. Katz, Esq., 339 West 88th Street, Apt. 3, New York, NY 10024, Tel. No. (212)579-5719 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, which the Clerk of the Family Court is to effect upon receipt of service of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X
In the Matter of

Matthew Niko M., also known as Matthew M.,

A Dependent Child under 18 Years
of Age Pursuant to §384-b
of the Social Services Law,

Catholic Guardian Society and Home
Bureau, et al.,
Petitioners-Respondents,

M-3437
Docket No. B-14851/07

Niko M.,
Respondent-Appellant.

Mark Leider, Esq., Lawyers for Children,
Law Guardian for the Child.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 21, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Frederic Schneider, Esq., 40 Wall Street, 28th Floor, New York, NY 10005, Tel. No. (646)512-5730 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, which the Clerk of the Family Court is to effect upon receipt of service of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

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

Respondent,

-against-

M-4548
Ind. No. 4080/06

Phillip McKelvey,

Defendant-Appellant.
-----X

Defendant-appellant having renewed his motion for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 13, 2007, 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 October 5, 2010.

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

-----X
In re Helen Hickey
Petitioner-Respondent,

-against-

M-3586
Index No. 112353/08

New York City Department of Education,
Respondent-Appellant.
-----X

Petitioner-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 3, 2010 (Appeal No. 2957),

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X
In the Matter of the Application of
Neighborhood in the Nineties, Inc.,
et al.,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78
of the CPLR,

M-4094
Index No. 115705/07

-against-

City of New York, et al.,
Respondents-Respondents.
-----X

An appeal having been taken to this Court by petitioners from the order of the Supreme Court, New York County, entered on or about August 27, 2009, and said appeal having been perfected,

And non-municipal respondents-respondents having moved for dismissal of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-3553
Ind. No. 793/08

Torkieh Sadagheh,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 13, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

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

-against-

M-3573
Ind. No. 4625/77
SCI No. 30055/10

Frank Peterson,
Defendant-Appellant.

-----X
Defendant having moved for an enlargement of time in which to file a notice of appeal from a SORA order of the Supreme Court, New York County, purportedly entered on or about May 27, 2010, and for leave to prosecute the appeal as a poor person, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value and proof of the aforesaid order of Supreme Court.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

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

-against-

M-3877
Ind. No. 1922/09

Wyron Morris,
Defendant-Appellant.

-----X
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about June 11, 2010, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

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

-against-

M-3876
SCI No. 1047/10

Sidney Calhoun,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 2, 2010, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

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

Peter L.,
Petitioner-Respondent,

-against-

M-3730
Docket Nos. V-3866/06A
V-1872/07A
V-11681/06A

Maleigha L.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about February 23, 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 October 5, 2010.

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

-----X
In the Matter of the Application of
Jerald Miller,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-3863
Index No. 401102/10

-against-

Raymond Kelly, Commissioner, etc.,
Respondent-Respondent.

-----X

Petitioner having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 7, 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 October 5, 2010.

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

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

-against-

M-3702
Ind. No. 50899C/04

Judy Chesire,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, Bronx County, entered on or about July 14, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of resentence proceedings held on March 22, 2010, May 27, 2010 and July 14, 2010. 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 October 5, 2010.

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

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

-against-

M-3887
Ind. No. 3830/06

Warren Stewart,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 26, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on October 5, 2010.

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

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

-against-

M-4107
Ind. No. 4409/00

Francisco Camacho,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, Bronx County, rendered on or about July 8, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of resentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on October 5, 2010.

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

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

-against-

M-4030
Ind. No. 1585/00

Al Rosa,
Defendant-Appellant.

-----X
Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about May 26, 2010, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

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

-against-

M-3872
Ind. No. 2050/10

Elijah Heppard,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 16, 2010, for leave to prosecute the appeal as a poor person 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 deeming the notice of appeal as timely filed and 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 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

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

-against-

M-3873
Ind. No. 3667/09

Robert Stewart,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 16, 2010, for leave to prosecute the appeal as a poor person 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 deeming the moving papers a timely filed notice of appeal and 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 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X

The People of the State of New York
ex rel. Lyndon Roach,
Petitioner-Appellant,

-against-

M-3537
Index No. 400885/10

Warden, Rikers Island Correctional
Facility and New York State Division
of Parole,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about June 14, 2010, which dismissed a habeas corpus proceeding,

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

It is ordered that the motion is denied, as unnecessary, defendant being entitled to appeal as of right.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X
The Bank of New York,
Plaintiff-Respondent,

-against-

M-3644
Index No. 601156/08

Cobblestone Estates, Inc., et al.,
Defendants,

Sanjay Chaubey,
Non-Party Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 22, 2009 and on or about June 8, 2010, respectively,

And non-party appellant having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the consolidated appeals upon 10 copies of one record and of one set of appellant's points covering the appeals. The time in which to perfect the consolidated appeals is enlarged to the February 2011 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X
Jayvaun Stephenson, an Infant, by his
Mother and Natural Guardian, Nadra
Sinclair, and Nadra Sinclair,
individually,
Plaintiffs-Respondents,

-against-

M-3770
Index No. 15580/04

The City of New York and the
New York City Department of Education,
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, Bronx County, entered on or about August 11, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 2011 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

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

-against-

Carlos M. Rosario,
Defendant-Appellant.

M-3651
Ind. Nos. 4065/06
3486/06

-----X

An order of this Court having been entered on March 30, 2010 (M-453), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 17, 2009, under Indictment No. 4065/06, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order to include Indictment No. 3486/06,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment No 3486/06, and extending the poor person relief previously granted to cover same.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

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

-against-

M-3875
Ind. No. 4400/03

Ronald Nesbitt,
Defendant-Appellant.

-----X
An order of this Court having been entered on September 8, 2009 (M-3530) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about June 30, 2009,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

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

-against-

M-3610
Ind. No. 7737/01

Porfirio Mendoza,
Defendant-Appellant.

-----X
An order of this Court having been entered on February 9, 2010 (M-122), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 31, 2002,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-3886
Ind. No. 3643/09

Brandon Lewis,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 29, 2010 (M-2611), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 23, 2010,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

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

-against-

M-3896

Ind. No. 2529/03

Anthony Arriaga,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about January 19, 2006, having moved for leave to file a pro se supplemental brief and for related relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before December 6, 2010 for the February 2011 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X
Merrill Stephenson and Derrick Stephenson
Plaintiffs-Respondents,

-against-

M-3901
Index No. 24308/02

D&J Ambulette Services, Inc.,
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 August 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 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 October 5, 2010.

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

-----X
Vitaly Tsimerman and Alla Bronshteyn,
Plaintiffs-Respondents,

-against-

M-3960
Index No. 603667/05

Peter L. Janoff, Esq., Alexander
Gurevich, Esq., and Janoff &
Gurevich, L.L.P.,
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 September 18, 2009 (mot. seq. no. 006),

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 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 October 5, 2010.

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

-----X
Shu Chi Lam,
Plaintiff-Appellant,

-against-

M-3728
Index No. 103695/06

Wang Dong, 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 October 2, 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 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 October 5, 2010.

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

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

-against-

M-3905
Ind. No. 366/02

Robert Nazario,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 12, 2006, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before December 6, 2010 for the February 2011 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-3909
Ind. No. 4512/02

Steven Darbasie,

Defendant-Appellant.

-----X

An order of this Court having been entered on October 29, 2009 (M-4449), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 12, 2003,

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

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before December 6, 2010 for the February 2011 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X
Philip and Peggy Danishefsky,
Petitioners,

-against-

M-4043
Index No. 100206/10

Roderick Covlin and David and Carol
Covlin,
Respondents.

-----X

Respondent, Roderick Covlin, having moved pursuant to CPLR 5704(a), for a stay of all proceedings, including discovery, pending return of an order to show cause, said relief having been denied by a Justice of the Supreme Court, New York County, on or about August 5, 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.

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-4082
NY Co. Ind. No.
0844/92

-against-

CERTIFICATE
DENYING LEAVE

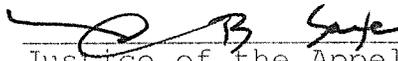
Junior Gumbs,

Defendant.

-----X

I, David B. Saxe, 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 section 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 April 29, 2010, is hereby denied.

Dated: New York, New York


Justice of the Appellate Division

ENTERED

OCT 05 2010

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-4134
New York Co.
Indictment No.
2066/07

-against-

CERTIFICATE
DENYING LEAVE

Ernesto Abreu,

Defendant.

-----X

I, David B. Saxe, 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 section 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 July 16, 2010, is hereby denied.

Dated: New York, New York


Justice of the Appellate Division

ENTERED

OCT 05 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-3154
Ind. No. 5264/02

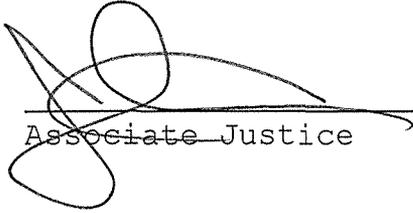
-against-

CERTIFICATE
DENYING LEAVE

Phillip Frieson

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, Bronx County, entered on or about April 13, 2010 is hereby denied.



Associate Justice

Dated: September 20, 2010
New York, New York

ENTERED **OCT 05 2010**

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M-4313
Ind. No. 1656/2006

-against-

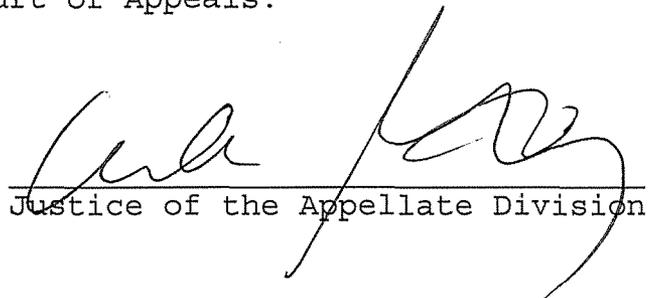
CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Jorge Pagan, Defendant .

-----x

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

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


Justice of the Appellate Division

Dated: *September 30*, 2010
New York, New York

ENTERED: **OCT 05 2010**

* Supreme Court, Bronx County, (Denis J. Boyle, J.) rendered January 29, 2009
App. Div., First Dept., Appeal No. 1973, Aff'd on August 10, 2010

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

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

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

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

M-4314
Ind. No. 1004/07

-against-

CERTIFICATE
DENYING LEAVE

Eric Harding, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about June 18, 2010, is hereby denied.

Dated: New York, New York
September 21, 2010



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

OCT 05 2010

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

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

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

M-4414
Ind. No. 6044/07

-against-

CERTIFICATE
DENYING LEAVE

Anthony Marshall and Francis Morrissey,
Defendants.

-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 29, 2010, is hereby denied.

(See M-4445, decided simultaneously herewith)

Dated: New York, New York
September 7, 2010

Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

OCT 05 2010

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

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

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

M-4445
Ind. No. 6044/07

-against-

CERTIFICATE
DENYING LEAVE

Anthony Marshall and Francis Morrissey,
Defendants.

-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 29, 2010, is hereby denied. (See M-4414, decided simultaneously herewith)

Dated: New York, New York
September 7, 2010



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

OCT 05 2010

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

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

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

M-3752
Indct. No. 46762C/05

-against-

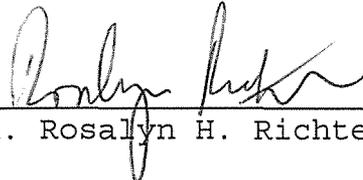
CERTIFICATE
DENYING LEAVE

Rene Bonilla,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about April 29, 2010, is hereby denied.



Hon. Rosalyn H. Richter

Dated: September 2, 2010
New York, New York

ENTERED: **OCT 05 2010**

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

BEFORE: Hon. Nelson S. Román
Justice of the Appellate Division

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

M-4077
Ind. No. 635/95

-against-

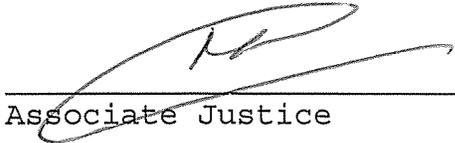
CERTIFICATE
DENYING LEAVE

John Garrick,

Defendant.

-----X

I, Nelson S. Román, 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 reconsidered by the Appellate Division, First Judicial Department, and permission to appeal from two (2) orders of the Supreme Court, New York County, rendered on July 15, 2009 and October 22, 2009 are hereby denied.



Associate Justice

Dated: *September 30, 2010*
New York, New York

ENTERED: **OCT 05 2010**

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

BEFORE: Hon. Nelson S. Román
Justice of the Appellate Division

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

M-4061
Ind. No. 3221/2000

-against-

CERTIFICATE
DENYING LEAVE

Nader Attia,

Defendant.

-----X

I, Nelson S. Román, 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, rendered on or about July 6, 2010 is hereby denied.



Associate Justice

Dated: *September 30, 2010*
New York, New York

ENTERED: **OCT 05 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,

M-3216
Ind. No. 6702/06

-against-

CERTIFICATE
DENYING LEAVE

Michael Joyce,

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, N.Y. County, entered on or about May 5, 2010 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: September 22, 2010
New York, New York

ENTERED **OCT 05 2010**

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

BEFORE: Hon. Nelson S. Román
Justice of the Appellate Division

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

M-3719
Ind. No. 4239/86

-against-

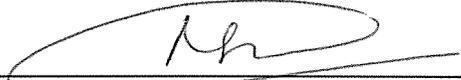
CERTIFICATE
DENYING LEAVE

Nelson Rodriguez,

Defendant.

-----X

I, Nelson S. Román, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that, upon
application timely made by the above-named defendant for a
certificate pursuant to Criminal Procedure Law, sections 450.15
and 460.15, and upon the record and proceedings herein, there is
no question of law or fact presented which ought to be reviewed
by the Appellate Division, First Judicial Department, and
permission to appeal from the order of the Supreme Court, Bronx
County, rendered on or about June 23, 2010 is hereby denied.



Associate Justice

Dated: *September 30, 2010*
New York, New York

ENTERED: **OCT 05 2010**

PM ORDERS

ENTERED

SEPTEMBER 30, 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 September 30, 2010.

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

-----X
Hee Jun Cheon Lee and Hong Lee,
Plaintiffs,

-against-

M-4602

Index No. 300838/07

Jonathan R. Garcia, et al.,
Defendants.

-----X
Sim & Park, LLP,
Non-Party Appellant,

-against-

Fein & Jakab,
Non-Party Respondent.

-----X

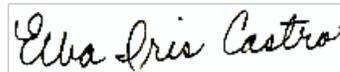
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 19, 2009,

And respondent having moved for an order enlarging the record on appeal,

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

Ordered that the motion is granted to the extent of permitting respondent to **immediately** file a supplemental record on appeal containing (1) the Order to Show Cause, dated February 29, 2008; (2) the affirmation of Peter Jakab, dated February 25, 2008, in Support of the Order to Show Cause, dated February 29, 2008; and (3) the affirmation of Sandra H. Shin, dated March 7, 2008 in Opposition to the Order to Show Cause, dated February 29, 2008, with costs to abide the appeal.

ENTER:



Deputy Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 30, 2010.

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

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

-against-

M-4539

Index No. 651420/10

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

-----X

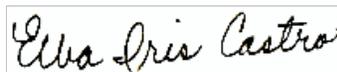
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 16, 2010,

And plaintiffs-appellants having moved in the nature of a preliminary appellate injunction staying foreclosure of the subject property and requiring that defendants escrow certain funds, pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is granted to the extent of enjoining and staying foreclosure proceedings on the subject property on condition **appellant** posts an undertaking in the amount of \$400,000 within 20 days of the date of this order, and on further condition that appellants perfect the appeal on or before November 8, 2010 for the January 2011 Term. Should plaintiffs-appellants fail to meet either condition, an order vacating the stay may be entered ex parte, provided defendants-respondents service of a copy of this order upon plaintiffs-appellant(s) within 10 days after the date of entry hereof.

ENTER:



Deputy Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 30, 2010.

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

-----X
Curtis Rhodes,
Plaintiff-Appellant-Respondent,

-against-

M-4091
M-4716
Index No. 8980/07

East 81st, LLC, Ben Zion Suky,
Defendants-Respondents-Appellants,

Capital Construction Management of
New York LLC,
Defendant-Respondent-Respondent,

Skyline Scaffolding, LLC,
Defendant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 24, 2009,

And defendant-respondent Capital Construction Management of New York LLC having moved for an order dismissing the appeal taken by defendants East 81st, LLC and Ben Zion Suky or, in the alternative, for an order enlarging the joint record on appeal to include a subsequent order entered December 24, 2009 in the Supreme Court, Bronx County, granting reargument, and for related relief (M-4091),

And defendants-respondents-appellants having cross-moved to deem their appeal from the aforesaid June 24, 2009 order to be timely filed (M-4716),

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

Ordered that the motion (M-4091) is granted to the extent of permitting defendant-respondent to file a supplemental record on appeal to include the December 24, 2009 order and all papers considered by the lower Court in deciding said motion. The cross motion (M-4716) is granted to the extent of deeming the appeal of defendants-respondents-appellants timely filed and enlarging the time in which to file their responding brief to on or before November 3, 2010 for the December 2010 Term. The Clerk is directed to maintain the appeal on the Court's calendar for hearing in said Term.

ENTER:

A rectangular box containing a handwritten signature in cursive script that reads "Elva Iris Castro".

Deputy Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 30, 2010.

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

-----X
Thaddeus Daniels,
Plaintiff-Appellant,

-against-

M-4471
Index No. 117973/09

Commerzbank and Steven Troyer,
Defendants-Respondents,

Dresdner Kleinwort,
Defendant.

-----X

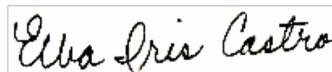
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about May 7, 2010,

And defendants-respondents having moved to strike Argument I.A of plaintiff-appellant's reply brief or, in the alternative, for an order granting leave to submit a sur-reply brief which addresses the aforesaid argument,

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

Ordered that the motion is granted to the extent of directing plaintiff-appellant to file a revised reply brief which omits Argument I.A on or before October 15, 2010.

ENTER:



Deputy Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 30, 2010.

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

-----x
In Re: New York City Asbestos Litigation M-4530/M-4531
- - - - - M-4532/M-4533
Thomas C. Carroll and Cheryl Carroll, M-4534/M-4535
et al., M-4536/M-4537
Plaintiffs,
Index No. 190259/09
-against-

A.W. Chesterton Company, et al.,
Defendants.

- - - - -
Thomas Carroll (dec.), Index No. 190259/09
Orison Cass, Index No. 190375/09
Jack D'Acquisto (dec.), Index No. 190280/09
Ismenia Gonzalez, Index No. 190298/09
Desmond O'Hara, Index No. 190266/09
Terry Toulantis, Index No. 190260/09
Fan Weichi (dec.), Index No. 190341/09
John Cuffe, Index No. 190235/09
Peter Fox, Index No. 190284/09
John Lamparter, Index No. 190354/09
Donald Longo, Index No. 190377/09
Plaintiffs-Respondents,

-against-

Georgia Pacific LLC,
Defendant-Appellant.

-----x
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 3, 2010,

And defendant-appellant having moved for a stay of all proceedings, including jury selection and the joint trial of the above-captioned action(s), pending hearing and determination of the aforesaid appeal,

(M-4530/M-4531)
(M-4532/M-4533)
(M-4534/M-4535)
(M-4536/M-4537)

-2-

September 30, 2010

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 is denied.

ENTER:

A rectangular box containing a handwritten signature in cursive script that reads "Elsa Iris Castro".

Deputy Clerk

PM ORDERS

ENTERED

OCTOBER 5, 2010

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X
In the Matter of

Jane Aubrey P.,

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

M-2440
M-2563 (DC #60)
Docket No. NN7112/06

- - - - -
Commissioner of the Administration
for Children's Services, et al.,
Petitioners-Respondents,

Cynthia R.,
Respondent-Appellant.

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

-----X

An order of this Court having been entered on July 29, 2008 (M-2833) granting respondent-appellant mother, Cynthia R., poor person relief and assigning Susan Jacobs, Esq., Center for Family Representation, for purposes of prosecuting respondent's appeal taken from the order of the Family Court, New York County, entered on or about April 21, 2008,

And respondent-appellant mother, Cynthia R., having now moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about October 22, 2009, and for assignment of counsel, a free copy of the transcript, and related relief (M-2440),

And the appeal taken from the order of the Family Court, New York County, entered on or about April 21, 2008 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 May 13, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and Susan Jacobs, Esq., Center for Family Representation, counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal from the order entered on or about April 21, 2008 (M-2563 [DC #60]),

Now, upon reading and filing the papers with respect to respondent-appellant mother's motion, and due deliberation having been had thereon, and upon the Court's own motion, it is

Ordered that the appeals are sua sponte consolidated and respondent-appellant mother's motion (M-2440) is granted to the extent of (1) relieving Susan Jacobs, Esq., Center for Family Representation, as counsel on the appeal from the order entered on or about April 21, 2008; (2) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 385 Warburton Avenue, Hastings on Hudson, New York, NY 10706, Telephone No. (914) 439-4843, as counsel for purposes of prosecuting the consolidated appeals; (3) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (4) permitting appellant to dispense with any fee for the transfer of the record(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record(s) upon receipt of this order and;** (5) directing appellant to perfect the consolidated appeals **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.** Respondent-appellant's time in which to perfect the consolidated appeals is enlarged to the February 2011 Term and counsel is directed to so perfect.

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 October 5, 2010.

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

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

-against- **M-3516**
Ind. No. 1975/06

Victor Gonzalez,
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 May 6, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

Rachel S. Zeehandelaar, Esq., Davis Polk and Wardwell, LLP, 450 Lexington Avenue, New York, NY 10017, Telephone No. (212) 450-4000, 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 October 5, 2010.

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

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

-against-

M-3841
Ind. No. 5260/06

DeShun Jackson, also known as
DéShun Jackson,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 31, 2009,

And an order of this Court having been entered on July 28, 2009 (M-2980), inter alia, directing the Clerk of Supreme Court to have transcribed the minutes of proceedings with respect to New York County Indictment No. 5260/06,

And defendant-appellant having moved for an order directing the Court Reporter(s) to transcribe the minutes of all pre-trial proceedings under Indictment No. 5260/06,

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. The Clerk shall deliver a copy of such transcript to appellant's counsel without charge, the transcripts to be returned to this Court when appellant's brief is filed.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

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

-----X

In the Matter of

Khalil A. and Kawane A.,

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

M-3622
Docket No. B6753-54/08

- - - - -
The Children's Aid Society, et al.,
Petitioners-Respondents,

Sabree A.,
Respondent-Appellant.

- - - - -
Simon Turkel, Esq.,
Law Guardian for the Children.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 24, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. (914) 834-3053, as counsel for purposes of prosecuting the appeal;

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

ENTER:

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

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 October 5, 2010.

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

-----x
UBS Securities LLC and UBS AG, London
Branch,
Plaintiffs-Respondents-Appellants/
Respondents, Action No. 1

-against-

Highland Capital Management, L.P.,
Counterclaim Plaintiff-Appellant-
Respondent, M-4092
Index No. 650097/09

Highland CDO Opportunity Masters Fund,
L.P. and Highland Special Opportunities
Holding Company,
Defendants-Appellants-Respondents/
Appellants,

Highland Financial Partners, L.P.,
Highland Credit Strategies Fund,
Highland Crusaders Offshore Partners,
L.P., Highland Credit Opportunities
CDO, L.P. and Strand Advisors, Inc.,
Defendants.

-----x
UBS Securities LLC and UBS AG, London
Branch, Action No. 2
Plaintiffs-Respondents,

-against-

Index No. 650752/10

Highland Capital Management, L.P.,
Defendant-Appellant.
-----x

Appeals and a cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 21, 2010 (Action No. 1; Index No. 650097/09); and separate appeals having been taken from the orders of said Court both entered on or about August 9, 2010 (Action No. 1; Index No. 650097/09, mot. seq. no. 009; Action No. 2; Index No. 650752/10, mot. seq. no. 001),

And the respective appellants in Action No. 1 and the appellant in Action No. 2 having moved for a consolidation of the above-referenced appeals 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 consolidated the appeals and cross appeal herein and permitting same to be prosecuted upon 10 copies of one record and one set of respective appellant's points in conformity with Rule 600.11(b). The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

ENTER:

A handwritten signature in black ink, reading "David Apalony". The signature is written in a cursive, flowing style.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 5, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Diane T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X

James L. Melcher,
Plaintiff-Respondent,

-against-

M-3478

M-3580

Index No. 604047/03

Apollo Medical Fund Management L.L.C.,
And Brandon Fradd,
Defendants-Appellants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 8, 2009, and appeals having been taken from the order of said Court entered on or about January 8, 2010 and from the judgment of said Court, entered on or about February 2, 2010,

And plaintiff having moved for an order directing the Clerk of this Court not to accept defendants' record on appeal, and for other relief (M-3478),

And defendants having cross-moved for an order denying plaintiff's motion, striking plaintiff's record on appeal and appellant's brief, and granting various costs and attorney's fees (M-3580),

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 plaintiff's motion is denied (M-3478).
Defendants' cross motion is granted to the extent of striking plaintiff's brief and record on appeal as filed with this Court

on July 6, 2010 with prejudice, and said motion is denied insofar as defendants seek counsel fees and a share of the cost of the record on appeal. Sua sponte, plaintiff's appeals are dismissed, and the order of this Court entered on March 4, 2010 (M-626/M-675/M-737) is vacated insofar as plaintiff's motion for correction of the caption was granted to indicate that plaintiff is the appellant and defendants the cross-appellants; deem defendants the appellants and plaintiff the respondent, as indicated, and direct defendants' counsel to correct the cover of its record filed with this Court accordingly; enlarge defendants-appellants' time to perfect the appeal to the January 2011 Term; grant plaintiff-respondent leave to file, along with his respondent's brief, a supplemental appendix at his own expense if so advised; and continue the stay granted by order of this Court entered March 4, 2010 (M-626/M-675/M737).

ENTER:

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

Clerk.