

At a 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 7, 2010.

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

-----X

Barbara Dweck Erani,

Plaintiff-Respondent,

-against-

M-2923X
Index No. 350254/05

Albert Erani,

Defendant-Appellant.

- - - - -
[And another action]

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 4, 2009 (mot. seq. no. 008),

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

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

Respondent,

-against-

M-3489
Ind. No. 3012/01

Seddy Richardson,

Defendant-Appellant.
-----X

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

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

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

Respondent,

-against-

M-3490
Ind. No. 3012/01

Seddy Richardson,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 20, 2007,

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

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

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

Appellant,

-against-

M-3540
Ind. No. 3718/09

Malik Brown,

Defendant-Respondent.
-----X

The People having appealed to this Court from the order of the Supreme Court, New York County, entered on or about September 24, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated July 8, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk.

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

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

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

Appellant,

-against-

M-3581
Ind. No. 3718/09

John Paul Roland,

Defendant-Respondent.
-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about September 24, 2009,

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

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

ENTER:


Clerk.

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

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

-----X

In the Matter of

Luis V.,

A Person Alleged to be a Juvenile
Delinquent,

M-3742

Docket No. D32573/09

Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about May 25, 2010,

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

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

ENTER:


Clerk.

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

Shakeem P.,

M-2748

A Person Alleged to be a Juvenile
Delinquent,

Docket No. D-498/09

Respondent-Appellant.

-----x

Counsel for appellant having moved for leave to withdraw the appeal from the order of the Family Court, New York County, entered on or about April 24, 2009,

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

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

ENTER:


Clerk

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

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

-----x
In the Matter of

Hector V., and
Yalitza M.,

Children Under the Age of 18 Years
Alleged to be Neglected.

Administration for Children's Services,
Petitioner-Appellant,

Wilfredo V.,
Respondent-Appellant,

M-2759
Docket No. N-2659-90/08

Ines R.,
Respondent.

Dawn O'Brien-Gans, Lawyers for
Children,
Law Guardian for the Child Hector V.,

Steven Banks, the Legal Aid Society,
Juvenile Rights Division,
Law Guardian for the Child Yalitza M.

-----x

An appeal having been taken from an order of disposition of the Family Court, New York County, entered on or about January 5, 2009, and from the order of fact-finding entered on or about October 2, 2008, respectively,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for appellant Kathryn Graham, Esq., of The Center for Family Representation, dated May 14, 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 7, 2010.

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

-----X
Vladimir Gusinsky,
Plaintiff-Respondent,

-against-

M-2924X
Index No. 600426/08

Sagi Genger, et al.,
Defendants-Appellants.
-----X

Appeals and cross appeals having been taken from the order of the Supreme Court, New York County, entered on or about December 22, 2009, and from the judgment of said Court entered on or about December 31, 2009, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 26, 2010, and due deliberation having been had thereon,

It is ordered that the cross appeals from the aforesaid order and judgment are withdrawn in accordance with the aforesaid stipulation. The direct appeals remain extant.

ENTER:


Clerk.

At a 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 7, 2010.

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

-----X
Mark A. Taylor,
Plaintiff-Appellant,

-against-

M-4100
Index No. 570594/06

New York University Medical Center
and Peter L. Ferrara,
Defendants-Respondents.
-----X

Leave to appeal to this Court having been granted by the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 11, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated August 11, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2011 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

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

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
Diane T. Renwick
Sheila Abdus-Salaam, Justices.

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

-against-

M-3897
Ind. No. 1042/08

Vincent Rosado,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 6, 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.

ENTER:


Clerk

At a 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 7, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Eugene Nardelli
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Antoni Wilinski, et al.,

Plaintiffs-Respondents,

-against-

M-4210
Index No. 117632/05

334 East 92nd Housing Development Fund
Corp., et al.,

Defendants-Appellants.
-----X

Orders of this Court entered July 27, 2010 (M-2402) and August 10, 2010 (M-2417), granting defendants-appellants and plaintiffs-respondents, respectively, leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 23, 2010 (Appeal No. 2232),

And, defendants-appellants having moved for a stay of trial pending hearing and determination of their appeal to the Court of 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.

ENTER:


Clerk.

At a 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 7, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Janulyn McKanic,
Plaintiff-Appellant,

-against-

M-3803
Index No. 602360/05

Amigos de Museo del Barrio,
Defendant-Respondent.
-----X

Plaintiff-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 June 22, 2010 (Appeal No. 3107N/3107NA/3107NB/3107NC),

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 7, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

Rafael Segura, etc.,
Defendant-Appellant.

M-3918
Ind. Nos. 5084/07
1100/98
143/98

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 22, 2009 (Appeal No. 1864/1864A),

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 7, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Birgit Mayo,

Plaintiff-Respondent,

-against-

M-4264
Index No. 101810/07

George T. Santis, 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. 2973), 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 7, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe
Leland G. DeGrasse, Justices.

-----X

Wendy Hazen,
Petitioner-Appellant,

-against-

M-3801
Index No. 105425/08

The Board of Education of City
School District of City of
New York, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 20, 2010 (Appeal No. 2631),

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 7, 2010.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
David Mirvish,

Petitioner-Respondent,

-against-

M-3274
File No. 2916/03

Hanno D. Mott, etc., et al.,

Respondents-Appellants.
-----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 27, 2010 (Appeal No. 1577),

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 7, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. McGuire
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Samaad Bishop,
Petitioner-Appellant,

-against-

M-3733
Index No. 252102/08

Stevenson Commons Assocs., L.P.,
et al.,
Respondents-Respondents,

Danny M. Weinheim, et al.,
Respondents.

-----X

Petitioner-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 June 22, 2010 (Appeal No. 2932N),

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 7, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. McGuire
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
April Zimmerman, et al.,
Plaintiffs-Respondents,

-against-

M-3837
Index No. 18563/02

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

Plaintiffs-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 1, 2010 (Appeal No. 2925),

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 7, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Eugene Nardelli
Dianne T. Renwick
Nelson S. Roman, Justices.

-----X
68-74 Thompson Realty, LLC,

Petitioner-Appellant,

-against-

M-3908
Index No. 570599/06

Keith McNally, et al.,

Respondents-Respondents.

-----X

Respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 2, 2010 (Appeal No. 1952), 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 7, 2010.

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

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

Jonathan Aaron,
Petitioner-Respondent,

For a Hearing on the Need for
Retention Pursuant to Section 9.31
Of the Mental Hygiene Law,

M-4463
Index No. 530225/00

-against-

Steve Rabinowitz, Executive Director
of Manhattan Psychiatric Center,
Respondent-Appellant.

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

And respondent-appellant having moved to stay release of petitioner, 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

It is ordered that the motion is granted on condition that the appeal is perfected on or before November 8, 2010 for the January 2011 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that petitioner-respondent serves a copy of this order upon respondent-appellant within 10 days after the date of entry hereof.

ENTER


Clerk.

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

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

-----x
Douglas Ellison, et al.,

Plaintiffs-Respondents,

-against-

M-2281
Index No. 117050/07

The Island Defendant Jam Music Group,
etc., et al.,

Defendants-Appellants.
-----x

Defendants-appellants having moved for dismissal of plaintiff's appeal from the order of the Supreme Court, New York County, entered on or about January 5, 2010,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Jon Jekielek, Esq., of Meyerowitz Jekielek PLLC, counsel for plaintiffs-respondents, dated May 25, 2010, on behalf of the parties, and due deliberation having been had thereon,

It is ordered that the notice of 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 7, 2010.

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

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

Wilfredo P.,
Petitioner-Appellant,

M-3064
Docket No. V7907/01

-against-

Reshima K.,
Respondent-Respondent.

-----X

Assigned counsel for appellant, Randall Carmel, Esq., having moved for leave to withdraw the appeal from the order of the Family Court, New York County, entered on or about May 6, 2009, and to be relieved as counsel for appellant in connection with the aforesaid appeal,

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

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

ENTER:


Clerk

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

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

-----X
In the Matter of

Destine A.,

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

Administration for Children's Services, M-3248
Petitioner-Respondent, Docket No. N-50450/09

Queen A.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for a stay of the order of the Family Court, New York County, entered on or about June 21, 2010, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and the correspondence W. Brad Jarman, Esq., of the Administration for Children's Services, dated July 30, 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 7, 2010.

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

-----x
LCA Holding, Inc., etc., et al.,
Plaintiffs-Appellants,

-against-

M-3311
Index No. 601242/08

Gregory Karzhevsky, etc., et al.,
Defendants-Respondents.

- - - - -
[And another action.]
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 26, 2010 (mot. seq. no. 003),

And defendants-respondents having moved for a stay of further proceedings, including pre-trial discovery, pending hearing and determination of the aforesaid appeal, or for alternative relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Richard Hernandez, Esq., McCarter & English, counsel for defendants-respondents dated July 9, 2010, and due deliberation having been had thereon,

It is ordered that the appeal and the motion are 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 7, 2010.

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

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

Lyman C.,
Petitioner-Respondent,

-against-

M-3188
Docket No. V-2915/10

Amy W.,
Respondent-Appellant.

-----X
Respondent-appellant having moved for a stay of the order of the Family Court, New York County, entered on or about June 16, 2010, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Mark Warren Moody, Esq., counsel for respondent-appellant dated July 8, 2010, and due deliberation having been had thereon,

It is ordered that the motion 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 7, 2010.

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

-----x
Kevin Gray,
Plaintiff-Respondent,

-against-

550 Realty Heights, LLC, et al.,
Defendants-Appellants.
-----x

M-3603
Index No. 111938/07

Defendants-appellants having moved for a stay of trial herein pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about July 1, 2010 (mot. seq. no. 002),

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Brendan T. Fitzpatrick, Esq., of Ahmuty, Demers & McManus, counsel for defendants-appellants dated July 27, 2010, and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn in accordance with the aforesaid correspondence, the underlying action having been settled.

ENTER:


Clerk

At a 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 7, 2010.

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

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

Farrin B. Ullah,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

M-3196
Index No. 301223/00

-against-

Judge Sara Lee Evans,
Respondent.

-----X

Petitioner having moved for an order of this Court, in the nature of a writ of mandamus, to compel the Honorable Sara Lee Evans to hold a contempt hearing against petitioner's ex-husband, Zahid Ullah, based on his failure to comply with provisions of the parties' post judgment modification agreement; and petitioner having also moved for leave to prosecute this proceeding as a poor person, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced appellant's brief, on condition that petitioner serves one copy of such brief upon the Attorney General and files 8 copies of such brief, in compliance with Rule 600.11(b), together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record and otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 7, 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-3737
Ind. No. 5640/99

Joseph Carrasquillo,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 23, 2008,

And Robert S. Dean, Esq., assigned counsel for defendant, having moved for dismissal of the appeal,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 7, 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-3741
Ind. No. 4228/99

Charles Raymond, also known as Raymond
Charles,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 22, 2009,

And Robert S. Dean, Esq., assigned counsel for defendant, having moved for dismissal of the appeal,

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

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

. ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 7, 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
Tyrone Wray,
Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-3988
Index No. 403180/09

New York City Housing Authority,
Respondent-Respondent.

-----X

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

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, **all in compliance with Rule 600.11(b)**, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks a stay of eviction 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 7, 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 Elliott Claiborne,
Petitioner-Appellant,

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

M-3800
Index No. 401337/09

-against-

M.T.A./D.O.T. and NYC Commission on
Human Rights Law Enforcement Bureau,
Respondents-Respondents.

-----X

Petitioner having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about January 15, 2010 (mot. seq. no. 001), 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.

ENTER:


Clerk.

At a 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 7, 2010.

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

-----X

IRB-Brasil Resseguros, S.A.,

Plaintiff-Respondent-Appellant,

-against-

M-3891

Index No. 604449/06

Portobello International Limited,
et al.,

Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 1, 2010,

And plaintiff having moved for an order dismissing defendants' direct appeal,

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

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

ENTER:



Clerk.

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

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

-----X
Ocelot Capital Management LLC, M-3649
Plaintiff-Respondent, M-3724

-against- Index No. 603092/09

Isaac Hershkowitz,
Defendant.
-----X
Eldan-Tech, Ltd. and Eldan-Tech, Inc.,
Plaintiffs-Appellants,

-against- Index No. 602838/09

Isaac Hershkowitz, et al.,
Defendants-Respondents.
-----X
Eldan-Tech, Inc., etc.,
Plaintiff-Appellant,

-against-

M-3946
Ocelot Capital Management LLC, Index No. 651101/10
Defendant,

-and-

Ocelot Capital Portfolio Holdings, LLC,
Nominal Defendant.
-----X

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

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

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

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

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

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

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

It is ordered that the motions (M-3649/M-3946) are denied, and the motion by defendant Hershkowitz (M-3724) is deemed withdrawn, as is the appeal, in accordance with the aforesaid correspondence.

ENTER:

A handwritten signature in black ink, appearing to read "David Apolony". 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 7, 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
Tony Zimmerman,
Petitioner,

For an Order Pursuant to Article 78 M-3761
of the Civil Practice Law and Rules, Index No. 401408/09

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about February 19, 2010 (mot. seq. no. 001), to review a determination of respondent,

And petitioner having moved for a stay of eviction pending hearing and determination 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 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 7, 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-3759
Ind. No. 3549/05

Jaime Briceno,

Defendant-Appellant.
-----x

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

And defendant-appellant having moved for an order unsealing the plea and sentencing minutes in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of directing the Clerk to provide a copy of said minutes to defendant's counsel for purposes of the appeal.

ENTER:


Clerk

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

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

-----X

Peta-Gaye Blackstock,

Plaintiff-Appellant,

-against-

M-3904

Index No. 17180/02

Board of Education of the City of
New York,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 7, 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 7, 2010.

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

-----X

Lincoln Payne,
Plaintiff-Appellant,

-against-

M-3990
Index No. 112319/08

Jumeirah Hospitality & Leisure (USA),
Inc., et al.,
Defendants,

W.S. Atkins Consultants, Ltd.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 29, 2009 (mot. Seq. No. 001),

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 7, 2010.

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

-----X
Randy K. Pajooch,
Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-4099
Index No. 302864/07

State Division of Human Rights,
et al.,
Defendants-Respondents.
-----X

Petitioner-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 June 26, 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 7, 2010.

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

-----X
Randall Co., LLC,

Petitioner-Landlord-Respondent,

-against-

M-3826
Index No. 570847/09

Lisa Davis,

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

Respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about May 21, 2010,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

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

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

-----X
Mirna Samuel and Richard Samuel,

Plaintiffs-Appellants,

-against-

M-4273
Index No. 570418/09

Macy's Northeast, Inc.,

Defendant-Respondent.
-----X

Plaintiffs-appellants having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about February 25, 2010,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

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

MGN, LLC,
Petitioner,

M-3725

For a Review Pursuant to Article 78
of the CPLR,

Index No. 107948/10

-against-

New York State Liquor 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 July 19 2010,

And petitioner having moved for a stay of cancellation of petitioner's liquor licence, pending hearing and determination 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 to the extent of continuing the relief afforded petitioner by order of a Justice of this Court on July 22, 2010 on condition that petitioner perfects the proceeding on or before November 8, 2010 for the January 2011 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon petitioner within 10 days after the date of entry hereof.

ENTER:


Clerk.

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

BEFORE: Hon. David Friedman,
Justice of the Appellate Division

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

-against-

Jose Morales, also known as Joselito
Morales,
Defendant-Appellant.

-----x

M-4429
ORDER DENYING ROR OR
BAIL PENDING APPEAL
Ind. No. 1749/09

An appeal having been taken to this Court by the above-named defendant from the judgment of the Supreme Court, New York County, rendered on May 6, 2010, and defendant having moved, pursuant to CPL 460.50 and 530.50 for an order of recognizance or to be admitted to bail pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied.

Dated: October 4, 2010
New York, New York

Entered: October 7, 2010



Hon. David Friedman
Justice of the Appellate Division

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

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

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

M-4321
Ind. No. 2844/06

-against-

CERTIFICATE
DENYING LEAVE

William Oree,

Defendant.
-----X

I, Helen E. Freedman, 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, §§ 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 24, 2010 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: September 21, 2010
New York, New York

ENTERED: **OCT 07 2010**

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

OCT 7 2010

Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----x

In the Matter of Samuel R. Bautista,
an attorney and counselor-at-law:

Departmental Disciplinary Committee M-2215
for the First Judicial Department,
Petitioner,

Samuel R. Bautista,
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent, Samuel R. Bautista, was admitted to the Bar of
the State of New York at a Term of the Appellate Division
of the Supreme Court for the Third Judicial Department on
July 13, 1982.

Alan W. Friedberg, Chief Counsel, Departmental
Disciplinary Committee, New York
(Scott D. Smith, of counsel), for petitioner.

No appearance for respondent.

Motion No. 2215 - May 19, 2010

In the Matter of Samuel R. Bautista, An Attorney

PER CURIAM

Respondent Samuel R. Bautista was admitted to the practice of law in the State of New York by the Third Judicial Department on July 13, 1982. His last known business address, listed in June 2007, was within the First Judicial Department, and accordingly, this Court maintains jurisdiction over him.

The Departmental Disciplinary Committee moves for an order immediately suspending respondent from the practice of law until further order of the Court on the grounds of failure to cooperate with the Committee's investigation into two complaints of professional misconduct (22 NYCRR 603.4[e][1][i]) and uncontested evidence of professional misconduct that immediately threatens the public interest (22 NYCRR 603.4[e][1][iii]).

The Committee opened its investigation into respondent's conduct in March 2008 when it received a complaint alleging that respondent neglected an immigration legal matter on which he was retained, resulting in the client losing an opportunity to attain legal permanent resident status. In April 2008 the Committee received a second complaint which, according to the Committee, also alleges neglect of an immigration matter, and further alleges that respondent used the complaining client's identity to take out \$150,000 in loans, lease an automobile, and obtain a

credit card.

Respondent did not respond to the Committee's four letters, which were mailed to both his last known business and home addresses as well as other addresses associated with him. The Committee's investigator failed to reach respondent through telephone numbers associated with him, and investigation disclosed that respondent's listed home address was in fact a UPS store mailbox. He is delinquent in his attorney registration as well, having failed to register for the 2008-2009 biennial period.

By order dated September 23, 2009, the Committee was granted permission to serve the notice of motion to suspend on respondent by publication in the New York Law Journal (22 NYCRR 601.1), and the notice of motion was duly published.

Pursuant to 22 NYCRR 603.4(e)(1)(i), this Court may suspend an attorney from the practice of law pending consideration of charges of professional misconduct, upon a finding that the attorney failed "to comply with any lawful demand of this court or the Departmental Disciplinary Committee made in connection with any investigation." Respondent's failure to respond to the Committee's letters or its investigator's calls, and his failure to respond to this motion, establishes grounds for an immediate suspension from the practice of law (*see Matter of Buggti*, 7 AD3d 15 [2004]; *Matter of Gujral*, 307 AD2d 28 [2003]). However, the

submissions as appended to the petition are incomplete and therefore fail to provide grounds for respondent's suspension pursuant to 22 NYCRR 603.4(e)(1)(iii).

Accordingly, the Committee's motion should be granted and respondent suspended from the practice of law, effective immediately, pursuant to 22 NYCRR 603.4(e)(1)(i), and until the further order of this Court.

All concur.

Order filed.

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. Mazzarelli
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 cursive script that reads "David Apolony". The signature is written in black ink and is positioned to the right of the "ENTER:" text.

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 that reads "David Apalony". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Clerk.

At a 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-

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

M-3478
M-3580
Index No. 604047/03

-----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:

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Clerk.