

At a 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 14, 2010.

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

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

-against-

M-4518
Ind. No. 6316/08

Simone Morgan,
Defendant-Appellant.

-----X

Defendant having renewed her 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 February 19, 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.

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 14, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
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-4029
Ind. No. 216/02

Isaiah Matthews,
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 19, 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.

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 14, 2010.

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

-----X
Sarit Shmueli,
Plaintiff-Appellant,

-against-

M-4007
Index No. 104824/03

NRT New York, Inc., doing business
as The Corcoran Group,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 2, 2009, and said appeal having been perfected,

And plaintiff-appellant having renewed her motion for the reconstruction of the portions of the record on appeal that are missing from the New York County Clerk's Office, said relief having been denied by order of this Court, entered on August 3, 2010 (M-2940),

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

Ordered that the motion is granted to the extent of granting renewal of the order of this Court entered on August 3, 2010 (M-2940) to permit reconstruction of the record on appeal upon the documents filed by plaintiff in this Court on July 21, 2010, and the appeal is adjourned to the December 2010 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 14, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
John W. Sweeny, Jr.
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X

Highbridge Advisory Council
Family Services, Inc.,
Plaintiff-Respondent,

-against-

M-3694

M-3718

Childcraft Education Corp., et al.,
Defendants-Appellants,

Index No. 7460/06

Patricia Bellamy, et al.,
Defendants.

- - - -

Roura & Melamed,
Non-Party Respondent.

-----X

Defendants-appellants Mitch Bonder and Childcraft Education Corp. having moved separately for leave for reargument of the decision and order of this Court entered on June 22, 2010 (Appeal Nos. 3110/3110A/3110B),

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

It is ordered that the motions are 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 14, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

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

-against-

M-4078
Ind. No. 4511N/07

Eddie Delgado,
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 14, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 14, 2010.

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

-----X
Yoda, LLC, Riverhead Pooh, LLC and
United National Insurance Company,
Plaintiffs-Respondents-Appellants/
Respondents,

-against-

M-4788
Index No. 115498/06

National Union Fire Insurance Co. of
Pittsburgh, P.A.,
Defendant-Appellant-Respondent/
Appellant,

Han Soo Lee and
Soon Ok Jang,
Defendants.

-----X

An appeal and a cross-appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 8, 2010, and an appeal having been taken from the amended order of said Court entered on or about September 15, 2010, respectively,

And defendants National Union Fire Insurance Co. Of Pittsburgh, P.A. having moved for consolidation of the aforesaid appeals, 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 movant to immediately serve and file a supplemental record on the appeal and cross appeal, and to file a supplemental brief for the November 2010 Term. The aforesaid supplemental brief shall indicate that the arguments advanced therein are the same as those advanced in movant's main brief.

ENTER:


Clerk.

At a 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 14, 2010.

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

-----X
In the Matter of the Application of
Rudranau Toolasprashad,
Petitioner-Respondent,

For a Judgment Under Article 78 of
the CPLR,

M-4712
Index No. 109964/06

-against-

Raymond W. Kelly, etc., et al.,
Respondents-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 13, 2007 (mot. seq. no. 001),

And petitioner-respondent having moved to enlarge 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 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 14, 2010.

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

-----X
Michael Lemle, individually and as a
shareholder of 132 West 31st Street
Realty Corp., suing in the name of
132 West 31st Street Realty Corp.,
Plaintiff-Appellant,

M-4501
Index No. 601281/07

-against-

Florence Lemle, et al.,
Defendants-Respondents.

-----X
An appeal having been taken from orders of the Supreme Court, New York County, entered on or about January 9, 2009, and said appeal having been perfected; and a second appeal having been taken from the order of said Court, entered on or about July 13, 2010,

And defendant-respondent Florence Lemle having moved for an order consolidating the aforesaid appeals, for an enlargement of time in which to perfect the appeal taken from the order entered on or about January 9, 2009, and to direct plaintiff to file a corrected record on appeal containing certain documents omitted from the current record filed on the perfected 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 (1) adjourning the perfected appeal taken from the order entered on January 9, 2009 to the March 2011 Term; (2) directing plaintiff to file a supplemental record, containing certain material omitted from the current record previously filed, for said March 2011 Term; (3) directing plaintiff to perfect the appeal taken from the order entered on July 13, 2010 for the March 2011 Term. The Clerk is directed to calendar both appeals for hearing together on the same day of the March 2011 Term, and is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2010.

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

-----X
Edgar Brown,

Plaintiff-Appellant,

M-4085

Index No. 400538/08

-against-

City of New York and The Administration
for Children's Services,

Defendants-Respondents.
-----X

Plaintiff-appellant 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 June 11, 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.

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 14, 2010.

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

-----X
International Investment Fund Ltd.,
Plaintiff-Appellant,

-against-

M-4689
Index No. 601782/08

Lauro Rezende,
Defendant-Respondent.

-----X

Defendant-respondent having moved for a stay of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 16, 2010 (mot. seq. no. 005), pending the disposition of another action presently sub judice in the United States District Court for the Southern District of New York entitled *Rezende v Citigroup Global Markets Inc.*, Case No. 09-cv-9392 (HB), 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 adjourning the appeal to the February 2011 Term. The motion is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2010.

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

-----X
GUS Consulting GMBH, etc., et al.,
Plaintiffs-Appellants,

-against-

M-3784
Index No. 106539/01

Chadbourne & Parke LLP,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 24, 2010 (Appeal No. 3148-3149),

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 14, 2010.

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

-----X

Barbara Cipollaro,

Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-4453
Index No. 115791/08

NYC Dept. Of Education,

Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 8, 2009,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2010.

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

-----X
Ruchama Gamiel,
Plaintiff-Appellant,

-against-

M-4416
M-4510
Index No. 603887/02

Curtis & Reiss-Curtis, P.C., et al.,
Defendants-Respondents.
-----X

(And a third-party action)

Appeals having been taken from the judgment of the Supreme Court, New York County, entered on or about June 17, 2009, and from the order of said Court entered on or about December 10, 2009, and the appeal from said order entered on or about December 10, 2009 having been perfected,

And defendants having moved for an order dismissing plaintiff's appeal taken from the judgment entered on or about June 17, 2009 (M-4416), and for other relief,

And plaintiff having cross-moved for an order enlarging the time in which to perfect the aforesaid appeal (M-4510),

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 defendants' motion (M-4416) is granted to the extent of striking plaintiff's notice of appeal from the judgment entered on or about June 17, 2009 and dismissing the appeal. Sua sponte, plaintiff's appeal from the order entered on or about December 10, 2009 is stricken from the calendar and dismissed. This matter has been fully adjudicated. Plaintiff's cross motion is denied, as academic.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2010.

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

-----X
2350 Fifth Avenue, LLC,
Plaintiff-Respondent,

-against-

M-4284
Index No. 113827/06

2350 Fifth Avenue Corporation,
Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about February 13, 2009,

And defendant-appellant having moved for an order striking certain references in plaintiff's brief with respect to certain conditions in the subject building,

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 14, 2010.

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

-----X
Orthotec, LLC,

Plaintiff-Appellant,

-against-

M-4574
Index No. 601377/08

Healthpoint Capital, LLC, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about November 27, 2009,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2010.

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

-----X
Ira S.,

Plaintiff-Respondent-Appellant/
Respondent,

-against-

M-3455
M-3738
Index No. 311503/07

Janice S.,

Respondent-Appellant-Respondent/
Respondent,

Arielle S.,
Respondent-Appellant/Appellant.

- - - - -
Dawn Marcella Cardi, Esq.,
Law Guardian for the Children.

-----X

An appeal and cross appeals having been taken from the order of the Supreme Court, New York County, entered on or about April 29, 2010,

And subject child, Arielle S., having taken an appeal from the order of said Court entered on or about May 24, 2010,

And Margery A. Greenberg, Esq., attorney for the subject children, Arielle S. and Jared S., having moved for the appointment of a new law guardian to represent Arielle S. on the appeal (M-3455),

And respondent mother, Janice S., having cross-moved for the appointment of new law guardian for purposes of representation of both children (M-3738),

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

Ordered that the motion and cross motion are granted to the extent of appointing Dawn Marcella Cardi, Esq., Dawn M. Cardi & Associates, 2 Park Ave., Fl 19, New York, NY 10016, Telephone No. (212) 481-7770, as law guardian to represent both children on the appeal. Plaintiff-respondent father, Ira S., is directed to continue providing compensation to said Law Guardian in compliance with the order of the 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 14, 2010.

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

-----X
The Estate of Francis Newton Souza,
Deceased,

Lynn & Cahill LLP,
Petitioner-Appellant,

M-4506
Surrogate's Court
File No. 1724/02

Francesca Souza and Francis Patrick
Souza,
Respondents-Respondents.

-----X

An appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about January 6, 2010,

And respondents having moved for an order striking petitioner's record on appeal or, in the alternative, striking pages 419 through 429 of said 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 directing petitioner to immediately remove pages 419 through 429 from the record on appeal on file and to correct the table of contents thereof to reflect said deletion.

ENTER:


Clerk.

At a 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 14, 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-4060
Ind. No. 2651/02

Andre Jackson,

Defendant-Appellant.
-----X

Assigned counsel having moved for an order dismissing defendant's appeal taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 23, 2008,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 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-4125
Ind. No. 6406/02

Ioan Ciochenda, also known as
Ioan Ciochendea,
Defendant-Appellant.

-----X

Assigned counsel for appellant having moved for an order dismissing defendant's appeal taken from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about February 4, 2009, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is 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 14, 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-4168
Ind. No. 3275/97

Gregory Hernandez, also known as
Francisco Fernandez, also known as
Agapito Fernandez,

Defendant-Appellant.
-----X

Assigned counsel for appellant having moved for an order dismissing defendant's appeal taken from an order of the Supreme Court, Bronx County, entered on or about April 14, 2010, denying resentence, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is 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 14, 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-4130
Ind. No. 962/03

Wazim Bulla,

Defendant-Appellant.
-----X

Assigned counsel for appellant having moved for dismissal of the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about January 21, 2009,

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

It is ordered that the motion is 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 14, 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-4057
Ind. No. 527/00

Dale Fleming,

Defendant-Appellant.
-----X

Assigned counsel having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about March 6, 2009,

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

It is ordered that the motion is granted to the extent of 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 14, 2010.

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

-----X
Anson K. Cheung and Li Wei Wu,
Plaintiffs-Appellants,

-against-

M-3497
Index No. 18402/05

Carlos Alberto, Rafael Peralta
and Rufina Quiles,
Defendants-Respondents.

-----X

Plaintiff-appellant Anson K. Cheung 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 July 27, 2009,

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

It is ordered that the motion is denied and the appeal is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 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-3962
Ind. No. 2496/08

Josefina Jimenez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 18, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 14, 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-4126
Ind. No. 714/00

Bobby Perez,
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 April 23, 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**. 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 14, 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-4127
Ind. No. 405/02

Vincent Rodriguez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, entered on or about June 18, 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**. 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 14, 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-4128
Ind. No. 4247/03

Anthony Brown,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, entered on or about July 29, 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**. 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 14, 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-4062
Ind. No. 9208/98

Teofilo Lopez, also known as
Garcia Lopez T.,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, entered on or about July 19, 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**. 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 14, 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-

Tony Morton (Morten),
Defendant-Appellant.

M-4059

Ind. Nos. 3275/07
3081/07
2797/07
3181/06

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about June 23, 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 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 **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2010.

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

-----X

The People of the State of New York,
Respondent,

-against-

Richard Bahamonte,

Defendant-Appellant.

M-3925
Ind. Nos. 1355N/06
3564/08

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 2, 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 pay the fee of trial counsel, Jose Muniz, Esq., and to post the \$35,000 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 14, 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-3926
Ind. No. 3292/09

Michael K. Curry,

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 June 30, 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 pay the fee of trial counsel, Kenneth K. Frenkel, Esq., and to post the \$5,000 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 14, 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-3927
Ind. No. 593/09

Gaetano D'Attore,

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 July 1, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsels, Mark DeMarco, Esq. and Richard Barton, Esq., the amount and sources of funds for trial counsels' fees 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 14, 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-3936
Ind. No. 939/09

Luis Ocasio,

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 June 23, 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 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 14, 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-3941
Ind. No. 846/09

Deward Smith, also known as TG,

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 June 15, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Xavier Donaldson, 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 14, 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-4066
Ind. No. 7027N/03

Christopher Ford,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about January 25, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

Ordered that the motion is granted to the extent of 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 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.

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 14, 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-4054
Ind. No. 5438/09

Phillippe Mejia,
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 29, 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 14, 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-4065
Ind. No. 5741N/09

Robert Encarnacion,
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 February 16, 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, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, Ernest Hammer, 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 14, 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-4081
Ind. No. 4310/06

Kemar K. Black,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 9, 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 14, 2010.

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

-----X
Peggy Ann Smith,
Plaintiff-Appellant,

For a Judgment Pursuant to Article 78 M-4008
of the Civil Practice Law and Rules, Index No. 403207/09

-against-

New York City Department of Housing
and Preservation,
Respondent-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about April 8, 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.

ENTER:


Clerk.

At a 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 14, 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-4167
Ind. No. 2174/04

William Lopez,

Defendant-Appellant.
-----X

An order of this Court having been entered on July 27, 2010 (M-3238) granting defendant leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about May 11, 2010, denying resentence, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688 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 14, 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-4009
Ind. No. 3378/07

Ariel Enriquez, also known as
Ariel Henriquez,

Defendant-Appellant.
-----X

An order of this Court having been entered on May 18, 2010 (M-2309), 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 February 2, 2009,

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

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before 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 14, 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-4010
Ind. No. 1744/06

Thomas Brown,
Defendant-Appellant.

-----X
Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about January 24, 2008, 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 14, 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-3919

Ind. No. 829/08

Nathan Sams,

Defendant-Appellant.

-----X

An order of this Court having been entered on June 8, 2010 (M-2338), 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 March 31, 2009,

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

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before 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 14, 2010.

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

-----X
Tyco Telecommunications (U.S.) Inc.,
Plaintiff-Respondent,

-against-

32 Avenue of the Americas, et al.,
Defendants,

M-4018
Index No. 114627/04

Watts Regulator Co.,
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, New York County, entered on or about October 26, 2009 (mot. seq. nos. 004, 005, 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 14, 2010.

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

-----X
Accounting of the Chase Manhattan
Bank and Lawrence Kalik as Co-Trustees
under the Trust Indenture of Louis
Wagman, Grantor, dated August 3, 1977,
Louis Wagman and Lawrence Kalik as
Co-Trustees f/b/o Loretta Wagman. Surrogate's Court
File No. 1121/86

-----X
Accounting of Carl Wagman as Co-Trustee
under the Trust Indenture of Louis
Wagman, Grantor, dated August 3, 1977,
Louis Wagman and Lawrence Kalik as
Co-Trustees f/b/o Loretta Wagman. M-3512

-----X
Loretta Wagman,
Plaintiff-Appellant,

-against- Index No. 107856/98

Lawrence Kalik, etc., et al.,
Defendants-Respondents.

-----X

Carl Wagman having moved for an enlargement of time in which to perfect the appeal from the order of the Surrogate's Court, New York County, entered on or about January 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 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 14, 2010.

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

-----x
Elizabeth Hinkle,

Plaintiff-Appellant,

-against-

M-4074
Index No. 100908/07

Jonathan R. Trejo, et al.,

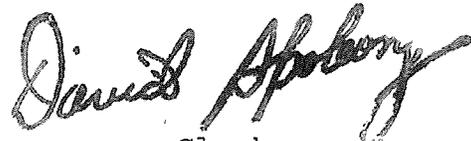
Defendants-Respondents.
-----x

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about October 29, 2009,

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2010.

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

-----x

Sylvester, et al.,

Plaintiff-Appellant,

-against-

M-4360
Index No. 106800/03

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, New York County, entered on or about June 9, 2009,

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

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

ENTER:


Clerk

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-3132
Ind. Nos. 5715/04

-against-

Steve Rosado,

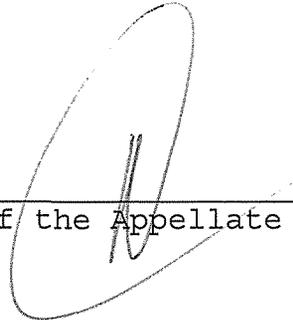
CERTIFICATE
DENYING LEAVE

Defendant.

-----X

I, Richard T. Andrias, 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, (Juan M. Merchan, J.), entered April 20, 2010, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York
September 30, 2010



Justice of the Appellate Division



OCT 14 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-4459
Ind. No. 464/04

-against-

CERTIFICATE
DENYING LEAVE

Carmelo Rivera, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about May 26, 2010, is hereby denied.

Dated: New York, New York
October 1, 2010



OCT 14 2010

Hon. Leland G. DeGrasse
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-4450
Ind. No. 3914/2008

-against-

CERTIFICATE
DENYING LEAVE

Robert Camarano,

Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, find that, defendant appears to be seeking permission to appeal from the denial of a CPL § 440.10 motion of the Supreme Court, New York County, that he claims was entered on or about July 23, 2010. However, it appears that the motion has not yet been decided; therefore, defendant's application is hereby denied. To the extent that this is an application to appeal the CPL § 330.30 motion denial, that will be addressed on direct appeal.



Hon. Helen E. Freedman
Associate Justice

Dated: September 30, 2010
New York, New York

ENTERED: OCT 14 2010

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

OCT 14 2010

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

-----X

In the Matter of Robert I. Kalina,
an attorney and counselor-at-law:

Departmental Disciplinary Committee
for the First Judicial Department,
Petitioner,

M-3340

Robert I. Kalina,
Respondent.

-----X

Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent, Robert I. Kalina, was admitted to the Bar of
the State of New York at a Term of the Appellate Division
of the Supreme Court for the Second Judicial Department on
December 18, 1967.

Alan W. Friedberg, Chief Counsel, Departmental
Disciplinary Committee, New York
(Orlando Reyes, of counsel), for petitioner.

Murray Richman (Gisele M. Kalonzo, of counsel) ①
for respondent.

IN THE MATTER OF ROBERT I. KALINA, AN ATTORNEY

PER CURIAM

Respondent Robert I. Kalina was admitted to the practice of law in the State of New York by the Second Judicial Department on December 18, 1967. At all times relevant herein, respondent has maintained an office for the practice of law within the First Department.

The Departmental Disciplinary Committee (Committee) seeks an order, pursuant to 22 NYCRR 603.16(c)(1), suspending respondent from the practice of law, effective immediately, on the ground that he is suffering from a mental illness which has rendered him incapacitated to practice law and unable to defend himself against allegations of misconduct raised in three complaints filed against him.

Respondent furnished medical records to the Committee which indicate that respondent, currently 67 years of age, exhibited symptoms of mild cognitive impairment in February 2008 which have since resulted in a diagnosis of Alzheimer's disease. Respondent's counsel, on behalf of respondent, has consented to the relief requested by the Disciplinary Committee.

Since respondent is unable to participate in this disciplinary proceeding brought against him due to his admitted medical infirmity, an order should be entered pursuant to 22

NYCRR 603.16(c)(1) immediately suspending him until further order of this Court (see *Matter of Hirshon*, 21 AD3d 102 [2005]).

Accordingly, the Committee's petition pursuant to 22 NYCRR 603.16(c)(1) should be granted and respondent suspended from the practice of law for an indefinite period of time and until further order of this Court upon the ground that he is suffering from a mental condition which makes it impossible for him to adequately defend himself in the pending disciplinary proceeding. All concur.

Order filed.

OCT 14 2010

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

-----x

In the Matter of Gail H. Telleysch,
(admitted as Gail Helen Telleysch),
an attorney and counselor-at-law:

Departmental Disciplinary Committee
for the First Judicial Department,
Petitioner,

M-3314

Gail H. Telleysch,
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent, Gail H. Telleysch, was admitted to the Bar of the
State of New York at a Term of the Appellate Division of the
Supreme Court for the First Judicial Department on April 30,
1979.

Alan W. Friedberg, Chief Counsel, Departmental
Disciplinary Committee, New York
(Sherry K. Cohen, of counsel), for petitioner.

Michael S. Washor, for respondent.

In the Matter of Gail H. Telleysch, An Attorney

PER CURIAM

Respondent was admitted to the practice of law in the State of New York by the First Judicial Department on April 30, 1979, under the name Gail Helen Telleysch, and at all times relevant to this proceeding, she maintained an office for the practice of law within the First Judicial Department.

Pursuant to 22 NYCRR 603.11, an attorney who is the subject of a disciplinary proceeding may submit an affidavit of resignation to the Departmental Disciplinary Committee. Respondent has submitted such an affidavit, sworn to on June 24, 2010. The Committee now moves for an order accepting respondent's resignation from the practice of law and striking her name from the roll of attorneys. The Committee states that on or about May 14, 2010, it notified respondent of an investigation commenced in response to a complaint filed by Thomas R. LeViness, Esq., on behalf of his client, Margot Kiser, alleging the intentional misappropriation of Ms. Kiser's funds by respondent. Thereafter, respondent advised the Committee that she wished to resign and submitted her affidavit of resignation.

The Committee states that respondent's affidavit of resignation complies with the requirements under section 603.11 in that respondent acknowledges that there is a pending

disciplinary investigation against her based on allegations of professional misconduct, that if charges were brought based upon the misconduct under investigation, she could not successfully defend herself on the merits, that she has submitted her resignation freely, voluntarily and without coercion or duress, and that she is fully aware of the implications of submitting her resignation, to wit, that her name will be stricken from the roll of attorneys. In that affidavit, respondent avers that she was retained by Ms. Kiser to create a trust; that she became a co-trustee, and that between 1998 and 2009 she intentionally misappropriated approximately \$1,400,000 of her client's funds. Respondent disclosed her misconduct to Ms. Kiser in early October 2009 after there was some inquiry about unauthorized transactions and shortly thereafter, she signed a Confession of Judgment for \$1,400,000. Respondent further states that there is a continuing audit in progress to determine the exact amount of the misappropriations; and that she has not misappropriated any other client funds and is not currently holding any other client or third party funds in any trust or bank account in her name or under her control except advanced legal fees to be taken when earned.

Accordingly, the Committee's motion should be granted to the extent that respondent's resignation be accepted and her name be stricken from the roll of attorneys, effective nunc pro tunc to June 24, 2010.

All concur.

Order filed.

PM ORDERS

ENTERED

OCTOBER 12, 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 12, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Diane T. Renwick
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Nancy J. Caton, Michael S. Jurewicz,
Hrafnhildur Arnardottir, and
C Productions LLC,
Plaintiffs-Appellants,

-against-

Grand Machinery Exchange Inc. and
Paul Merandi,
Defendants-Respondents.

M-4517
M-4598
Index No. 101480/09

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 20, 2010 (mot. seq. no. 003),

And an order of this Court having been entered on June 22, 2010 (M-2726), granting plaintiffs a stay of eviction upon certain conditions including plaintiffs perfecting the aforesaid appeal for the November 2010 Term,

And defendants having moved for vacatur of the aforesaid order of this Court entered on June 22, 2010 (M-2726),

And plaintiffs having cross-moved for an enlargement of time in which to perfect the appeal with an extension of the stay afforded plaintiffs by the order of this Court entered on June 22, 2010 (M-2726), and for related relief,

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 defendants' motion to vacate the stay of eviction (M-4517) is granted unless plaintiffs perfect their appeal 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 defendants-respondents serve a copy of this order upon plaintiffs-appellants within 10 days after the date of entry hereof. Plaintiffs' cross motion (M-4598) is granted to the extent of enlarging the time in which to perfect the appeal to said January 2011 Term. The stay of eviction previously afforded plaintiffs by the order of this Court entered on June 22, 2010 (M-2726) is continued upon the same conditions as to use and occupancy and upon condition stated above on the disposition of M-4517, that the appeal is perfected for said January 2011 Term. The cross motion is otherwise denied without prejudice to seeking relief in Supreme Court.

ENTER:

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

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 12, 2010.

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

-----X

Donald Kolb and Rose Kolb,

Plaintiffs-Appellants,

-against-

M-4431

Index No. 21145/06

Beechwood Sedgwick, LLC and Otis
Elevator Company,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 8, 2009, and said appeal having been perfected,

And plaintiffs-appellants having moved to adjourn the aforesaid appeal for late submission of plaintiffs' reply brief,

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

Ordered that the motion is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 12, 2010.

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

-----X
Dale Kleinser,
Plaintiff-Appellant,

-against-

Mark Astarita, et al.,
Defendants-Respondents.

M-4041
Index No. 116844/06

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about June 22, 2009, on or about November 6, 2009 and on or about July 1, 2010,

And defendants-respondents having moved for dismissal of the appeal with respect to the orders entered on or about June 22, 2009 and November 6, 2009,

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

Ordered that the motion is denied without prejudice to defendants raising the issue directly on appeal.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 12, 2010.

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

-----X
William Champion and Marianne Champion,
Plaintiffs-Respondents,

-against-

M-4464
Index No. 109708/09

Blue Water Advisors, Inc., also known
as Blue Water Advisors, LLC, and
Giddins & Claman LLP, also known as
Giddins, Claman LLP, also known as
Giddins Claman LLP, also known as
Giddins Claman & Langs, LLP,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 26, 2010,

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

It is ordered that the motion is granted on condition 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 respondents serves a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:



Clerk.