

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

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

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

-against-

M-3656
Ind. No. 3071/09

Jamel Bowles, also known as
Jamel A. Bowels,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 16, 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 September 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-3659
Ind. No. 592/10

Hector Collet,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 23, 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.

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Clerk

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

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

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

-against-

M-3661
Ind. No. 2923/08

Mark Jurgins,
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 July 2, 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, 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 September 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-3662
Ind. No. 4656/07

Darrell Kinard,
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 June 29, 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, 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 September 7, 2010.

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

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

-against-

M-3663
Ind. No. 5198/09

Larry Kinley,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 27, 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.

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

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

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

-against-

M-3664
Ind. No. 328N/09

Carlos Ortiz,
Defendant-Appellant.

-----X

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

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

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

-against-

M-3665
Ind. No. 4570/09

George Moore,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 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.

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Clerk

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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-3666
Ind. No. 3618N/08

Lillian Rivera, also known as Ills,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 23, 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.

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

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Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-3667
Ind. No. 698/08

Charles Santana,
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 June 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 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.

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Clerk

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

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

-against-

M-3669
Ind. No. 3139/08

Kwame Somuah,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 1, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk

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

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

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

-against-

M-3670
Ind. No. 3187/09

David Torres,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 24, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 September 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-3671
Ind. No. 3888/07

Anthony Walker,
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 June 16, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

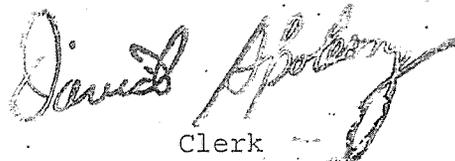
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It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced 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.

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

ENTER:


Clerk

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

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

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

-against-

M-3672
Ind. No. 3817C/05

Willard Williams,
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 April 14, 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, 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 September 7, 2010.

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

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

-against-

M-3660
Ind. No. 7462/02

Anthony Hemphill,
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 (Fitzgerald, J.) entered on or about May 28, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, 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 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Fitzgerald as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Robert S. Dean, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

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

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

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

-against-

M-3668
Ind. No. 5047/01

Clive G. Scott,
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 (Lewis Bart Stone, J.) entered on or about June 7, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, 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 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Stone as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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Clerk.

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Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3166
Ind. No. 3303/05

Benjamin Anderson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 28, 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, as unnecessary, said relief having been granted by the order entered on July 6, 2010 (M-2891), a copy of which is annexed hereto.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 6, 2010.

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

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

-against-

M-2891
Ind. No. 3303/05

Benjamin Anderson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 28, 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.

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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.

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Clerk

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

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
In re Hafiz Z. Hussain,
Petitioner,

-against-

Shaun Donovan, as Commissioner
of the New York City Department
of Housing Preservation and
Development, et al.,
Respondents.

M-3018
Index No. 402597/08

-----X

Petitioner having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 20, 2010 (Appeal No. 2840),

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 September 7, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Maro A. Goldstone, et al.,
Plaintiffs-Appellants,

-against-

M-3052
Index No. 604235/07

Gracie Terrace Apartment Corporation,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of the decision and order of this Court entered on May 11, 2010 (Appeal No. 2780),

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 September 7, 2010.

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

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

-against-

M-2465A
Ind. Nos. 1982N/08
7592/92

Francisco Sanchez, also known as
Eduardo Mendez,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 16, 2010 (M-121) granting defendant poor person relief with respect to his appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about November 10, 2009 under Indictment No. 7592/92 and assigning Steven Banks, Esq., as counsel to prosecute said appeal,

And assigned counsel having moved on behalf of defendant for an enlargement of time in which to serve and file a notice of appeal from the judgment of said Court rendered on or about September 8, 2009 and the judgment of resentence thereof on November 10, 2009 under Indictment No. 1982N/08 and for an extension of the poor person relief previously afforded defendant under Indictment No. 7592/92 to cover the aforesaid judgment and judgment of resentence under Indictment No.1982N/08,

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 moving papers deemed a timely filed notice of appeal from the judgment rendered on September 8, 2009 and the judgment of resentence rendered on November 10, 2009 under Indictment No. 1982N/08, and the poor person relief previously granted to defendant is extended to cover same and the assignment of Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. (212) 577-3688 as counsel for purposes of the aforesaid appeals under Indictment No. 7592/92 is extended to cover the appeals under Indictment No. 1982N/08. The order of this Court entered on July 20, 2010 (M-2465) is hereby recalled and vacated.

ENTER:


Clerk.

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

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

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

-against-

M-2893
M-2948
Ind. No. 5396/08

Frank Carusso,
Defendant-Appellant.

-----X

Defendant having moved, through trial counsel Robert Briere, Esq., for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 5, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief (M-2893),

And defendant-appellant pro se having separately moved for the aforesaid relief (M-2948),

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

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

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

ENTER:


Clerk

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

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
Sheila Abdus-Salaam, Justices.

-----X
Josephine Penn and Marvin Penn,
Plaintiffs-Appellants,

-against-

Amchem Products, et al.,
Defendants,

M-3062
M-3169
Index No. 105637/07

-and-

Kerr Corporation,
Defendant-Respondent.

-----X

Defendant-respondent Kerr Corporation having moved (M-3062) 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 11, 2010 (Appeal No. 2757),

And plaintiffs-appellants having cross-moved (M-3169) solely for reargument, as to a certain issue, of the aforesaid decision and order of this Court,

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 (M-3062/M-3169) 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 September 7, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Roslyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

Sofia Frankel,
Petitioner-Appellant,

-against-

M-3570
Index No. 115836/08

Jeffrey Sardis, et al.,
Respondents-Respondents,

Goldman, Sachs & Co., et al.,
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 June 15, 2010 (Appeal No. 2834),

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 September 7, 2010.

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

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

Respondent,

-against-

M-3506
Ind. No. 350/09

Reginald I. Harmon, Sr.,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 9, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to 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 serve one copy of such brief upon the District Attorney of said county and file ten 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.

Defendant-appellant's time in which to perfect the appeal is 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 September 7, 2010.

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

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

-against-

M-3493
Ind. No. 3248/99

Joel Murray,
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 June 29, 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 September 7, 2010.

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

-----X
Geovanna Lim-Haas,

Plaintiff-Respondent,

-against-

M-3441
Index No. 313628/07

Thomas Haas,

Defendant-Appellant.
-----X

Defendant-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 1, 2010, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied, with leave to renew upon submission of a detailed 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. The motion, to the extent it seeks assignment of counsel, 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 September 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
Manuel Martinez,
Petitioner-Appellant,

-against-

M-3607
Index No. 114000/09

State Commission on Judicial Conduct,
et al.,
Respondents-Respondents.

-----X

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

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and file 10 copies of such brief, 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. The motion, to the extent it seeks the assignment of counsel, 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 September 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 Support Proceeding
Under Article 4 of the Family Court Act.

Ganeen Regina D.,
Petitioner-Respondent,

-against-

M-3509
Docket No. F-06167-05/09G

Norman S.,
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an Order of Commitment of the Family Court, New York County, entered on or about June 30, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that said motion is denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that respondent has no funds or assets with which to prosecute 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 September 7, 2010.

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

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

-against-

M-3577
Ind. No. 20137C/08

Walter Perez,
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 26, 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 value of his assets, the amount and sources of funds used to pay the fee of trial counsel, Janis A. Parazzelli, Esq., 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 September 7, 2010.

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

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

-against-

M-3369
Ind. No. 2616/08

Shawn Santiago,
Defendant-Appellant.

-----x

An order of this Court having been entered on January 7, 2010 (M-5454), granting defendant-appellant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 9, 2009, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal,

And defendant-appellant having moved to relieve assigned counsel and to substitute other counsel to prosecute 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 denied. Sua sponte, defendant is granted leave to file a pro se supplemental brief on or before October 4, 2010 for the December 2010 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 September 7, 2010.

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

-----X
Louvenia C. Grant,

Plaintiff-Appellant,

-against-

M-3470
Index No. 17048/07

Joseph Fritz Menelas, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 1, 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 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 September 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
The State of New York,
Petitioner-Appellant,

-against-

Steven Robinson,
Respondent-Respondent.

M-3598
M-3740
Index No. 251397/08

For Civil Management pursuant to
Article 10 of the Mental Hygiene Law.
-----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 October 21, 2008 (M-3598),

And respondent-respondent having cross-moved for dismissal of the aforesaid appeal for failure to prosecute (M-3740),

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 is granted to the extent of enlarging the time in which to perfect the appeal to the December 2010 Term. The cross 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 September 7, 2010.

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

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

-against-

M-3361
Index No. 603613/08

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

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 21, 2009 (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 on condition that the appeal is perfected for the January 2011 Term.

ENTER:


Clerk.

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

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

-----X
Maria and Alvaro Gonzales and other
Tenants of 235 West 146th Street,
Petitioners-Tenants,

-against-

M-3329
Index No. 570261/07

Ihay Zinner and LKH Assets, LLC
Respondents-Landlords-Appellants,

Washington Mutual Bank and Department
of Housing Preservation and Development
of the City of New York,
Respondents,

Esquire Group Estates, LLC,
Intervenors-Respondents-Appellants.

-----X
Intervenors-respondents-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 November 25, 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. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this 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 September 7, 2010.

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

-----X
The Board of Managers of 500 West End
Condominium,
Plaintiff,

-and-

Kevin Maloney,
Intervenor Plaintiff-Respondent,

M-3481
Index No. 107344/04

-against-

Isaac Ainetchi and Harriet Krasnow,
Defendants-Appellants.

-----X

Intervenor plaintiff-respondent Kevin Maloney having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about May 10, 2010, or 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 to dismiss the appeal is granted unless the appeal is perfected for the January 2011 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the appellant(s) within 10 days after the date of entry hereof. 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 September 7, 2010.

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

-----x
Dennis M. Strong,
Plaintiff,

-against-

M-3258
Index No. 313267/07

Christina M. Strong,
Defendant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 2, 2009 (mot. seq. no. 001),

And defendant having moved, pursuant to CPLR 5513(a), for dismissal of the appeal as untimely taken,

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 September 7, 2010.

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

-----X
Travis Wood,
Claimant-Respondent,

-against-

M-3530
Index No. 570688/09

Robin Schulder,
Defendant-Appellant.
-----X

Defendant-appellant 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 14, 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 September 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
Deborah Muhammad,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3569
Index No. 401936/09

New York City Housing Authority,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for a stay of proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 11, 2010 (mot. seq. no. 002), for leave to prosecute, as a poor person, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and file 10 copies of such brief, 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. 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 September 7, 2010.

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

-----X
Northern Leasing Systems, Inc.,

Plaintiff-Respondent,

-against-

M-3267

Index No. 602006/04

Estate of Edward M. Turner, et al.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for a stay of proceedings pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about April 15, 2010 (mot. seq. no. 009),

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 September 7, 2010.

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

-----X
Rose E. Kuchinsky,

Plaintiff-Appellant,

-against-

M-3503
Index No. 114266/06

Pfizer Inc.,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to withdraw the appeal from the order of the Supreme Court, New York County, entered on or about April 22, 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 September 7, 2010.

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

-----X
In the Matter of the Application of
William R. Rupp,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3087
Index No. 109422/06

New York City Board of Standards
and Appeals,
Respondent-Appellant,

-and-

Ruppert, LLC.,
Intervenor-Respondent.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 19, 2007 (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 on or before October 4, 2010 for 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 September 7, 2010.

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

-----X
424 West 33rd Street, L.L.C.,
Petitioner-Appellant,

-against-

M-3614
Index No. 103091/10

Planned Parenthood Federation of
America, Inc.,
Respondent-Respondent.

-----X

Petitioner-appellant 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 July 16, 2010 (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 on condition that the appeal is perfected on or before October 4, 2010 for the December 2010 Term. Upon failure to so perfect respondent may move on notice for an order vacating the stay.

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 September 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-

Phillip Stapleton,
Defendant-Appellant.
-----X

M-3637
Ind. Nos. 4439/06
3697/06
3221/08

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 2, 2009, 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.

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 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-3576
Ind. No. 4791/08

James Crooks,
Defendant-Appellant.

-----X .

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 31, 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.

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

ENTER:


Clerk

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

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

-----X

BDO USA, LLP,
Petitioner-Appellant,

-against-

M-3720
Index No. 601279/10

Denis M. Field,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for a stay of certain proceedings in the above-entitled action pending hearing and determination of the appeal taken from orders of the Supreme Court, New York County, entered on or about July 13, 2010 (mot. seq. nos. 001, 002),

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

It is ordered that the motion is granted on condition that the appeal is perfected for the December 2010 Term. Upon failure to so perfect, respondent may move on notice for an order vacating the stay.

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 September 7, 2010.

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

-----x
Jose Mendoza,

Plaintiff-Respondent,

-against-

M-3846

Index No. 13502/07

Highpoint Associates IX, LLC,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about April 12, 2010, and said appeal having been perfected,

And defendant-appellant having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

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 September 7, 2010.

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

-----X
22 CPS Owner LLC,
Plaintiff-Respondent,

-against-

M-3893
Index No. 109748/09

Jason D. Carter, formerly known as
J. Douglas Cohen, Julia Carter,
Defendants-Appellants,

22 House LLC, et al,
Defendants.

-----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 June 22, 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 only to the extent of staying entry of the judgment of possession in the eviction proceedings on condition that the appeal is perfected for the December 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:


Clerk.

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

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

-----X
Catrina Nesper,
Plaintiff-Respondent,

-against-

M-3980
Index No. 102501/08

Goldmag Hacking Corp. And Rori
Mullokandov,
Defendants-Appellants.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about December 9, 2009 (mot. seq. no. 001),

And plaintiff-respondent having moved to supplement the record on appeal to include the police report related to 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 enlarging the record on appeal to include said police report. Plaintiff-respondent is directed to immediately serve and file 10 copies of a supplemental record forthwith.

ENTER:


Clerk

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

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

-----X
Michael Tyrell,
Plaintiff-Respondent,

-against-

M-4036
Index No. 106140/07

New York Health and Hospitals
Corporation,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about January 22, 2009 (mot. seq. no. 001),

And plaintiff-respondent having moved to compel defendant to file a supplemental record on appeal and to adjourn said appeal to the October 2010 Term,

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 in its entirety.

ENTER:



... Clerk

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

BEFORE: Hon. Karla Moskowitz
Justice of the Appellate Division

-----X

The People of the State of New York,
Respondent,

M- 3172
Ind. No. 606/2000 &
768/2000

-against-

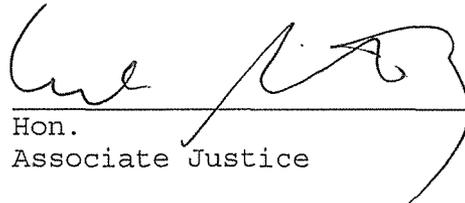
CERTIFICATE
GRANTING LEAVE

Orlando Deuras
Defendant-Appellant.

-----X

I, Karla Moskowitz , a Justice of the Appellate Division, First
Judicial Department, do hereby certify that in the proceedings herein
questions of law or fact are involved which ought to be reviewed by
the Appellate Division, First Judicial Department, and, pursuant to
Section 460.15 of the Criminal Procedure Law, permission is hereby
granted to the above-named defendant to appeal to the Appellate
Division, First Judicial Department, from the order of the Supreme
Court, New York County, entered on or about March 18, 2010.¹

Dated: SEP 07 2010, 2010
New York, New York



Hon.
Associate Justice

ENTERED

SEP 07 2010

NOTICE: Within 15 days from the date hereon, an appeal must be taken,
and this certificate must be filed with the notice of appeal. An
appeal is taken by filing, in the Clerk's office of the criminal court
in which the order sought to be appealed was rendered, a written
notice in duplicate that appellant appeals to the Appellate Division,
First Judicial Department (Section 460.10, subd. 4, CPL), together
with proof that another copy of the notice of appeal has been served
upon opposing counsel. The appeal (or consolidated appeals; see
footnote) must be argued within 120 days from the date of the notice
of appeal, unless the time to perfect the appeal(s) is enlarged by the
court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a
judgment, such appeal shall be consolidated with the appeal from the
aforesaid order; and any poor person relief granted with respect to
the appeal from the judgment shall be extended to cover the appeals so
consolidated.

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

-----X

The People of the State of New York,

M-3148
Ind. No.551/2003

-against-

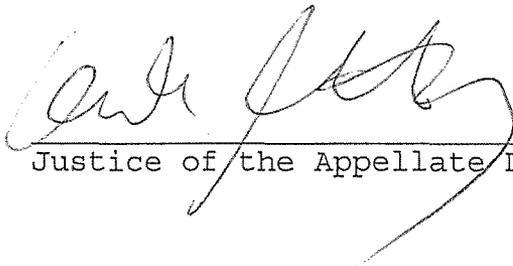
CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Edwin Santiago, Defendant

-----X

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

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


Justice of the Appellate Division

Dated: **AUG 31**, 2010
New York, New York

ENTERED: **SEP 07 2010**

* Supreme Court, New York County, (Edward J. Mclaughlin, J.) rendered April 28, 2004.
App. Div., First Dept., Appeal No.758, Aff'd on May 6, 2010

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

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

BEFORE: Dianne T. Renwick
Justice of the Appellate Division

-----x
Victoria Anne Wenzel Lecrichia,

Plaintiff-Respondent,

-against-

M-3526
Index No. 311427/09

Anthony Lecrichia,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 8, 2010, inter alia, suspending defendant's overnight visitation with his children,

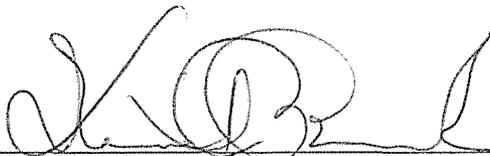
And defendant-appellant having moved for a stay of so much of the aforesaid order entered on or about July 8, 2010, which suspended overnight visitation,

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.

Dated: July 30, 2010

Entered: **SEP 07 2010**



Dianne T. Renwick
Associate Justice

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-3634
Ind. No. 2787/81

-against-

CERTIFICATE
DENYING LEAVE

Phillip Nieves, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 5, 2010, is hereby denied.

Dated: New York, New York
August 16, 2010

40

ENTERED

SEP 07 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. Leland G. DeGrasse
Justice of the Appellate Division

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

M-3578
Ind. No. 4809/08

-against-

CERTIFICATE
DENYING LEAVE

James Charleston, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about June 7, 2010, is hereby denied.

Dated: New York, New York
August 16, 2010



ENTERED

SEP 07 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. Leland G. DeGrasse
Justice of the Appellate Division

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

M-3643
Ind. Nos. 696/06,
3756/94

-against-

CERTIFICATE
DENYING LEAVE

David Walker, a/k/a Eric Keaton, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 17, 2010, is hereby denied.

Dated: New York, New York
August 16, 2010



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

SEP 07 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-3615
Ind. No. 1884/02

-against-

CERTIFICATE
DENYING LEAVE

Herbert Long, 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 February 11, 2010, is hereby denied.

Dated: New York, New York
August 16, 2010

40

ENTERED

SEP 07 2010

Hon. Leland G. DeGrasse
Justice of the Appellate Division

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

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

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

M-3310
Docket No. 20137C-2008

-against-

Walter Perez
Defendant.

-----X

An appeal having been taken to this Court by the above-named defendant from the judgment of the Supreme Court, Bronx County, rendered on May 26, 2010, and defendant having moved, pursuant to CPL 460.50 for a stay of execution of sentence 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: August 18, 2010
New York, New York



Leland G. DeGrasse
Justice of the Appellate Division

ENTERED:

SEP 07 2010

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

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

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

M-3699
Ind. No. 1398/02

-against-

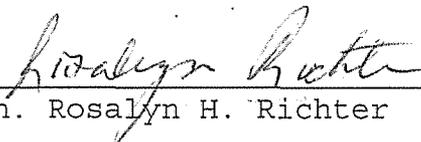
CERTIFICATE
DENYING LEAVE

Kemp McCoy,

Defendant.

-----X

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



Hon. Rosalyn H. Richter

Dated: August 25, 2010
New York, New York

ENTERED: **SEP 07 2010**

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

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

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

M-3750
Ind. No. 1683/97

-against-

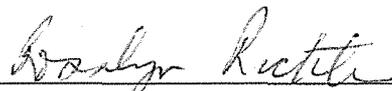
CERTIFICATE
DENYING LEAVE

Michael Valentin,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about March 11, 2010, is hereby denied.



Hon. Rosalyn H. Richter

Dated: August 25, 2010
New York, New York

ENTERED:

SEP 07 2010

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

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

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

M-3871
Ind. No. 67662C/07

-against-

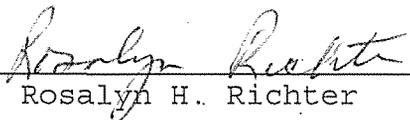
CERTIFICATE
DENYING LEAVE

Angel Sepa,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about June 30, 2010, is hereby denied.



Hon. Rosalyn H. Richter

Dated: August 25, 2010
New York, New York

ENTERED:

SEP 07 2010

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

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

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

M-4136
Ind. No. 8586/1999

-against-

CERTIFICATE
GRANTING LEAVE

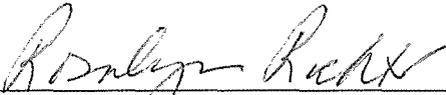
Timothy Swinton,
Defendant-Appellant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First
Judicial Department, do hereby certify that in the proceedings herein
questions of law or fact are involved which ought to be reviewed by
the Appellate Division, First Judicial Department, and, pursuant to
Section 460.15 of the Criminal Procedure Law, permission is hereby
granted to the above-named defendant to appeal to the Appellate
Division, First Judicial Department, from the order of the Supreme
Court, New York County, entered on or about April 21, 2010.¹

Dated: August 23, 2010
New York, New York

ENTERED SEP 07 2010



Hon. Rosalyn H. Richter
Associate Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken,
and this certificate must be filed with the notice of appeal. An
appeal is taken by filing, in the Clerk's office of the criminal court
in which the order sought to be appealed was rendered, a written
notice in duplicate that appellant appeals to the Appellate Division,
First Judicial Department (Section 460.10, subd. 4, CPL), together
with proof that another copy of the notice of appeal has been served
upon opposing counsel. The appeal (or consolidated appeals; see
footnote) must be argued within 120 days from the date of the notice
of appeal, unless the time to perfect the appeal(s) is enlarged by the
court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a
judgment, such appeal shall be consolidated with the appeal from the
aforesaid order; and any poor person relief granted with respect to
the appeal from the judgment shall be extended to cover the appeals so
consolidated.

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

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

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

M-3755
Ind. No. 8840/95

-against-

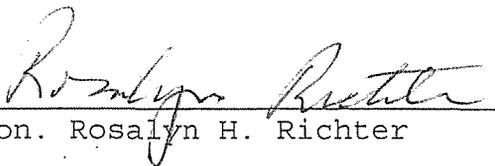
CERTIFICATE
DENYING LEAVE

Elvis Rodriguez,

Defendant.

-----X

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


Hon. Rosalyn H. Richter

Dated: August 23, 2010
New York, New York

ENTERED:

SEP 07 2010

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

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

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

M-3969
Ind. No. 1255/1999

-against-

Anthony Gillespie,
Defendant.

ORDER DENYING ROR OR
BAIL AFTER APPEAL TAKEN

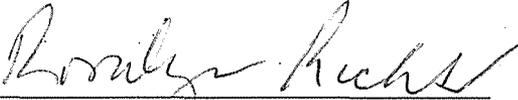
-----X

An appeal having been taken to this Court by the above-named defendant from the order of the Supreme Court, New York County, rendered on November 4, 2009, and defendant having moved, pursuant to CPL 460.50 for a stay of execution of sentence pending hearing and determination of the aforesaid appeal or in the alternative for an order releasing him on his recognizance or upon the fixing of 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: August 23, 2010
New York, New York



Rosalyn H. Richter
Justice of the Appellate Division

ENTERED: SEP 07 2010

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

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

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

M-3754
Ind. No. 2920/97

-against-

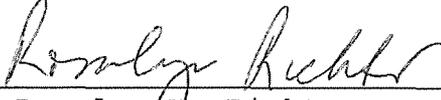
CERTIFICATE
DENYING LEAVE

Chester Sanders,

Defendant.

-----X

I, Rosalyn H. Richter, 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, permission to appeal from the order of the Supreme Court, Bronx County, entered on or about April 23, 2010, which rejected defendant's request for his pre-sentence report, is hereby denied.



Hon. Rosalyn H. Richter

Dated: August 25, 2010
New York, New York

ENTERED: **SEP 07 2010**

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

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

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

M-3521
Ind. Nos. 3734/85
4523/85

-against-

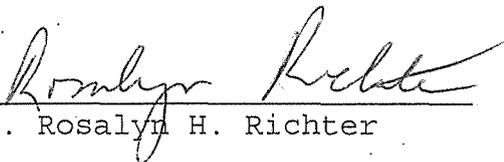
Nathaniel Walker,

CERTIFICATE
DENYING LEAVE

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 22, 2010, is hereby denied.



Hon. Rosalyn H. Richter

Dated: August 25, 2010
New York, New York

ENTERED: **SEP 07 2010**

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

SEP 7 2010

Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe
James M. McGuire, Justices.

-----x

In the Matter of Frank McClain-Sewer,
an attorney and counselor-at-law:

Departmental Disciplinary Committee M-573
for the First Judicial Department,
Petitioner,

Frank McClain-Sewer,
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent, Frank McClain-Sewer, 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 September 24,
1986.

Alan W. Friedberg, Chief Counsel, Departmental
Disciplinary Committee, New York
(Kevin P. Culley, of counsel), for petitioner.

No appearance for respondent.

Motion No. 573 - February 23, 2010

In the Matter of Frank McClain-Sewer, A Suspended Attorney

PER CURIAM

Respondent Frank McClain-Sewer was admitted to the practice of law in the State of New York by the Second Judicial Department on September 24, 1986. At all times relevant to this proceeding, he maintained an office for the practice of law within the First Judicial Department.¹

By order dated February 6, 2007, this Court granted a motion of the Departmental Disciplinary Committee seeking respondent's immediate interim suspension, following his failure to respond to the Committee's inquiries regarding a complaint filed by a client. Through a letter from counsel dated August 7, 2007, respondent belatedly sought additional time to respond, and appeared before the Committee for deposition on September 26, 2007. Respondent also submitted an affirmation dated October 16, 2007, in opposition to a motion filed by the Committee for

¹ The business address respondent provided in his biennial registration documents and used on business letterhead was located at 67 Wall Street in Manhattan. Although in his September 26, 2007 deposition he asserted that the Manhattan address was merely a mail drop, and that his actual office work was done in his Brooklyn residence, his use of the Manhattan office address in official registration forms and on business letterhead subjects him to the jurisdiction of this Department's Disciplinary Committee under 22 NYCRR 603.1(a).

disbarment of respondent, which motion was subsequently withdrawn without prejudice.

The present petition, containing 21 charges of misconduct, was filed on February 26, 2009. The charges include failure to answer inquiries regarding the client complaint, failing to file the requisite affidavit of compliance with the suspension order, engaging in and receiving compensation for legal work while under suspension, holding himself out as a licensed attorney in violation of the order of suspension, and giving false statements and testimony before the Committee regarding his knowledge of the Court's order of suspension and his continued practice of law thereafter.

Respondent failed to appear at the hearing held before the Referee, resulting in the charges being deemed admitted pursuant to 22 NYCRR 605.12(c)(4) (*see Matter of Sheehan*, 48 AD3d 163, 167 [2007]). Moreover, the Referee properly sustained all the charges and recommended disbarment based upon the evidentiary submissions provided by the Committee. Importantly, as the Referee observed, although respondent claimed at his deposition that he only learned in August 2007 of the February 6, 2007 suspension, documentary proof establishes that he was made aware of the suspension on February 12, 2007, when he was notified that his application for admission to the Lewisburg prison to interview a client was denied based on his suspension. His

purported belief that the suspension arose only from his failure to timely file his biennial registration form is irrelevant; the continued practice of law violates the suspension regardless of its basis, and, indeed, constitutes a misdemeanor under Judiciary Law § 486 (see *Matter of Blau*, 70 AD3d 28 [2009]). Other documentary evidence established that respondent continued to perform substantial legal work thereafter, preparing legal memoranda and documents to be filed in court on behalf of at least six clients, and being compensated for that work through other attorneys in good standing under whose names the work was submitted. He also established a website in which he held himself out as entitled to provide legal assistance.

After respondent failed to appear on the date to which the hearing was adjourned for submission of any material in mitigation, the Referee sustained all the charges and recommended respondent's disbarment. The Hearing Panel confirmed the Referee's findings of fact and conclusions of law, and also recommended disbarment. In view of respondent's failure to appear in opposition, as well as the evidentiary showing provided, the Committee's application must be granted.

Accordingly, the Committee's petition seeking an order confirming the findings of fact and conclusions of law of the Referee and Hearing Panel is granted, and respondent should be disbarred pursuant to 22 NYCRR 603.4(d), and respondent's name stricken from the roll of attorneys and counselors-at-law in the State of New York, effective immediately.

All concur.

Order filed.

PM ORDERS

ENTERED

AUGUST 31, 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 August 31, 2010.

Present - Hon. David B. Saxe, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz
Nelson S. Román, Justices.

-----X
In the Matter of Attorneys Who Are
in Violation of Judiciary Law Section
468-a:

Departmental Disciplinary Committee
for the First Judicial Department,
Petitioner,

M-3764

Robert Michael Mercorella,
admitted on 6-1-1987, at a
Term of the Appellate Division,
First Department,
(OCA Atty. Reg. No. 2137941)
Respondent.

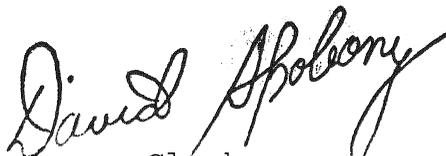
-----X
An order of this Court having been entered on September 17, 1998 [M-3815.509], inter alia, suspending the above-named respondent from practice as an attorney and counselor-at-law in the State of New York, effective October 19, 1998, and until the further order of this Court, for failure to comply with Judiciary Law §468-a,

And respondent having moved for an order granting reinstatement as an attorney and counselor-at-law in the State of New York,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, and it appearing that respondent complied with Judiciary Law §468-a on or about July 26, 2010, subsequent to the effective date of the aforesaid order,

It is ordered that the motion is granted and respondent is reinstated as an attorney and counselor-at-law in the State of New York, effective the date 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 August 31, 2010.

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

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

Tonia J., also known as Tania J.,
Petitioner-Appellant,

M-3917
Docket Nos. V297/06
V12012-3/05
V12351-2/07

-against-

Levon S.,
Respondent-Respondent.

-----x
An order of this Court having been entered on September 15, 2009 (M-2921), granting petitioner-appellant leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about May 27, 2009, and assigning Steven N. Feinman, Esq., as counsel to prosecute the appeal,

And petitioner-appellant having moved for an order relieving assigned counsel in connection with the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----x
Doris Beverly Burton,

Plaintiff-Respondent,

-against-

Dr. Elena Vezza Physician PC, et al.,

Defendants-Appellants.
-----x

M-3982
Index No. 303349/09

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

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

It is ordered that the motion is 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 August 31, 2010.

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

-----X
Screenvision Cinema Network, LLC,
Petitioner-Appellant,

-against-

M-4031
Index No. 150157/10

Steven C. DeLorenzo,
Respondent-Respondent.

-----X

Petitioner-appellant having moved, pursuant to CPLR 5704(a), for relief denied by a Justice of the Supreme Court, New York County, on or about August 9, 2010 (mot. seq. no. 002),

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

Ordered that the motion is granted to the extent of staying the arbitration pending hearing and determination of the petition in Supreme Court.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 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

Ryan Elwell,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

M-4046
M-4156
Index No. 260050/10

-against-

State University of New York
Maritime College,
Respondent-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, entered on or about June 8, 2010,

And petitioner-respondent having moved, for declaration that a CPLR 5519(a)(1) statutory stay of the judgment is not in effect or, in the alternative, for vacatur of such stay (M-4046),

And respondent-appellant having cross-moved for a discretionary stay in the event the Court determines there is no statutory stay (M-4156),

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

It is ordered that the motion (M-4046) is granted to the extent of declaring that no 5519(a)(1) statutory stay is extant, the cross motion (M-4156) is denied and the judgment is not stayed.

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 August 31, 2010.

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

-----X
Coastal Nejapa, Ltd.,
Plaintiff-Respondent,

-against-

Crystal Power Company, Ltd.,
Defendant-Appellant,

-and-

M-3769
Index No. 600632/07

Banco Agrícola, Banco Salvadoreño
and Banco G&T Continental El
Salvador, S.A.,
Defendants-Respondents.

-----X

Plaintiff-respondent and defendants-respondents having jointly moved for dismissal of the appeals taken from the order of the Supreme Court, New York County, entered on or about May 27, 2009 and the judgment of the same Court entered on or about December 11, 2009, respectively, or in the alternative, to expand the record on appeal to include certain papers filed in relation to defendant-appellant's resettlement motion,

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 plaintiff-respondent to immediately file ten copies of the supplemental record. The motion is otherwise denied, without prejudice to raising the argument regarding dismissal on 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 August 31, 2010.

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

-----X
Morrison Cohen LLP,
Plaintiff-Respondent,

-against-

M-3899
Index No. 104100/09

David Fink,
Defendant-Appellant.

-----X

An appeal having been taken by defendant, from the order of the Supreme Court, New York County, entered on or about January 7, 2010 and from the judgment of said court entered on or about January 12, 2010, respectively,

And plaintiff having moved for an order striking improper material from defendant's record and brief and directing defendant to file a revised brief without references to the stricken material, 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 physically excise pages 187-210 of the record, striking defendant-appellant's brief and, directing defendant to refile without further fee a revised appellant's brief without references to the stricken material on or before October 4, 2010 for the December 2010 Term of this Court, to which Term the appeal is adjourned.

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 August 31, 2010.

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

-----X

Leslie Kahn,
Petitioner-Respondent,

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

-against-

New York City Department of Education,
Joel Klein, in his official capacity as
Chancellor or the New York City
Department of Education and Danielle
Salzberg, in her official capacity as
former Principal of the Khalil Gibran
International Academy,
Respondents-Appellants,

M-3707
M-4023
Index No. 112312/08

-and-

Council of School Supervisors and
Administrators and New York State
United Teachers on behalf of
Leslie Kahn,
Amici Curiae.

-----X

Respondents-appellants, by an order of the Supreme Court, New York County, dated December 23, 2009, having been granted leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about September 9, 2009,

And proposed amicus curiae Council of School Supervisors having moved (M-3707) for leave to serve and file a brief amicus curiae in connection with the aforesaid appeal,

And proposed amicus curiae New York State United Teachers having moved (M-4023) for leave to serve and file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motions (M-3707/M-4023) are granted and movants are directed to immediately serve and file ten copies of the briefs amici curiae forthwith.

ENTER:

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

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----x

Elizabeth Baynes,

Plaintiff-Appellant,

-against-

The City of New York, et al.,

Defendants-Respondents.
-----x

M-3955

M-4084

Index No. 102392/05

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 14, 2009 (mot. seq. no. 002),

And defendants-respondents having cross-moved for dismissal of the aforesaid appeal for failure to timely prosecute,

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 is granted to the extent of enlarging the time in which to perfect the appeal to the December 2010 Term. The cross motion is granted unless the appeal is perfected for said Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondents serves a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:



Clerk