

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

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-910  
Ind. No. 677/10

Paul Smiley,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 5, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated February 23, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

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-1108  
Ind. No. 3568/08

Robert Rosado,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 15, 2008,

Now, upon reading and filing the stipulation of the parties hereto, filed March 10, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

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

-----X  
Antonio Manzano,

Plaintiff-Respondent,

-against-

M-1058  
Index No. 117103/05

Riverbend Housing Company, Inc.,

Defendant-Appellant.

-----X  
[and a Third-Party action]  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 2, 2010 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, filed March 4, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2011 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

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

-----X  
Jane Wheeler,

Plaintiff-Respondent,

-against-

Robert C. Wheeler,

M-1059  
Index No.  
300662/08

Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 15, 2010, (mot. seq. nos. 018, 019),

Now, upon reading and filing the stipulation of the parties hereto, dated March 2, 2011, and due deliberation having been had thereon,

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

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

-against-

M-748  
SCI. No. 35540C/05

Nathaniel Bradshaw, also known as  
Nathan Bradshaw,  
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 October 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

-against-

**M-814**  
Ind. No. 5047/08

Earl Moore,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about November 30, 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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

-against-

M-802  
Ind. No. 1791/07

Ronald Sally,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Nathan Greenberg, J.) entered on or about July 6, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of 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 Greenberg 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 April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-753  
Ind. No. 769/09

Sinneh Bangura,  
Defendant-Appellant.

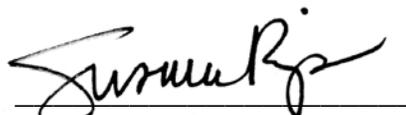
-----X

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

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, James Palumbo, 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 April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

Respondent,

-against-

M-790  
Ind. No. 191/10

Claud Sesson,

Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 19, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$7,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

-against-

**M-982**  
Ind. No. 4803/09

Andy Cepeda,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 4, 2011 (M-5452), assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about May 5, 2010,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal is stricken; and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, NY 10003, Tel. No. 212-790-0368, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Nelson S. Román, Justices.

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

-against-

**M-1095**  
Ind. No. 2570/05

Efrain Ortiz,  
Defendant-Appellant.

-----X

An order of this Court having been entered on June 1, 2010 (M-2023), assigning Robert S. Dean, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about August 2, 2007,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal is stricken; and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, NY 10003, Tel. No. 212-790-0368, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-983

Ind. No. 1790/09

O'Brian L. Perry, also known as  
O'Brian Perry,

Defendant-Appellant.

-----X

An order of this Court having been entered on July 27, 2010 (M-2613), assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about January 20, 2010,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal is stricken and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, New York 10003, Telephone No. 212-790-0368, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Nelson S. Román, Justices.

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

-against-

**M-1094**  
Ind. No. 6242/08

Dewayne Richardson,  
Defendant-Appellant.

-----X

An order of this Court having been entered on June 29, 2010 (M-2614), assigning Robert S. Dean, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about December 1, 2009,

Now, upon the Court's own motion,

It is ordered that the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal is stricken; and, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, NY 10003, Tel. No. 212-790-0368, is substituted as counsel to prosecute the appeal. The poor person relief previously granted is continued, and the time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

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

-----  
Luis M.P.,  
Petitioner-Appellant,  
  
-against-

**M-5268**  
Docket Nos. V23889/09  
G41680/09

Rafael J.,  
(Katherine P. - Deceased),  
Respondents-Respondents.

-----  
Minerva C.,  
Respondent-Guardian for the  
Child, Daylan E.P.

-----X  
An appeal having been taken by petitioner-appellant father from the order of the Family Court, New York County, entered on or about July 14, 2010,

And respondent-guardian having moved for leave to respond, as a poor person, to petitioner-appellant father's aforesaid appeal, and for the assignment of counsel,

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, if and when appellant files a motion for poor person relief and the assignment of counsel.

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 April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
In the Matter of the Application of  
Peter Koster,

Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-828  
Index No. 105002/09

Raymond Kelly, etc., et al.,

Respondents-Respondents.  
-----X

Plaintiff-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 December 15, 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 September 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 April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
In the Matter of the Application of  
Richard Cowan,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-829  
Index No. 106108/09

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

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 23, 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 September 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 April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
In the Matter of a Probate Proceeding,

The Will of

Rocky H. Akoi, also known as  
Hiroaki Aoki,  
Deceased.

**M-564**  
Surrogate's Court  
File No. 2604-2008

- - - - -  
Keiko Ono Aoki, et al.,  
Petitioners-Respondents,

Devon Aoki and Steven Aoki,  
Respondents-Appellants.

-----X

An appeal having been taken from the order of the Surrogates Court, New York County, entered on or about April 27, 2010,

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 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 April 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Cherokee Owners Corp.,  
Plaintiff-Respondent,

-against-

DNA Contracting LLC, et al.,  
Defendants,

M-842  
Index No.  
601201/05

-and-

JMA Consultants, Inc., et al.,  
Defendants-Appellants.

-----X  
[and a Third-Party action]  
-----X

Defendants-appellants 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 30, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 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 April 5, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick, Justices.

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

-against-

Kyle C. Birch,  
Defendant-Appellant.

M-870  
Ind. No.  
627/01

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Juan Merchan, J.) entered on or about January 19, 2011, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of 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 Merchan 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

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 April 5, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

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

-against-

M-806  
Ind. No. 2120/98

Freddy Pica,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about February 7, 2011, **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 copies of such brief, together with the original record, with this Court pursuant to Rule 600.11 of the Rules of 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 April 5, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
Karla Moskowitz  
Diane T. Renwick, Justices.

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

**M-634**

-against- Ind. No. 4399/08

Alonzo Cheeks,  
Defendant-Appellant.

-----X

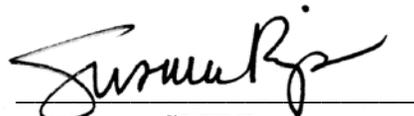
An order of this Court having been entered on October 13, 2009 (M-3993) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 28, 2009,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
Endeavor Funding Corp.,  
Plaintiff-Respondent,

-against-

M-724  
Index No. 106712/07

Ollie Allen, on behalf of Ollie  
Allen Holding Company, LLC,  
Defendants-Appellants,

-and-

Pariser Industries Inc., et al.,  
Defendants.

-----X  
[and a Third-Party action]  
-----X

Defendants-appellants 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 15, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 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 April 5, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X

Oxbow Calcining USA, Inc., et al.,

Plaintiffs-Respondents,

-against-

**M-805**

Index No. 650972/10

American Industrial Partners, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 3, 2011 (mot. seq. no. 002),

And defendants-appellants having moved to stay all proceedings 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 denied, without prejudice to renewal upon completion of discovery.

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 April 5, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

-against-

**M-685**

Index No. 601156/08

Cobblesto Estates, Inc., et al.,  
Defendants,

Sanjay Chaubey,  
Non-Party Appellant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 22, 2009 and June 29, 2010, respectively, and said appeals having been consolidated by the order of this Court entered on October 5, 2010 (M-3644),

And non-party appellant having moved for an enlargement of time in which to perfect the aforesaid consolidated appeals,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for non-party appellant, dated March 3, 2011, and due deliberation having been had thereon,

It is ordered that the motion and the consolidated appeals are deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
David Friedman  
Rolando T. Acosta  
Helen E. Freedman, Justices.

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

-against-

M-777  
Ind. No. 2456/10

Aaron Dotson,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 30, 2010, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers as 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 April 5, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Diane T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-929  
Ind. No. 6316/08

Simone Morgan,  
Defendant-Appellant.

-----X

An order of this Court having been entered on October 14, 2010 (M-4518) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 19, 2010, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Stanley Neustadter, Esq., Cardozo School of Law, 55 Fifth Avenue, Room 1701, New York, New York 10003, Telephone No. 212-790-0368, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
David Friedman  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X

Michael E. Yant,

Plaintiff-Respondent,

-against-

M-848

Index No. 310098/08

Mile Square Transportation, Inc. and  
Victor G. Grant,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about April 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 granted to the extent of enlarging the time in which to perfect the appeal to the September 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 April 5, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Diane T. Renwick  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X

In the Matter of

Andy Z.,

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

**M-853**

Docket No. NN6637/08

- - - - -  
Commissioner of Social Services of the  
City of New York,  
Petitioner-Respondent,

Hong Lai Z.,  
Respondent-Appellant.

- - - - -  
Steven Banks, Esq.,  
Attorney for the Child.

-----X

An order of this Court having been entered on December 9, 2010 (M-4676), granting respondent-appellant leave to prosecute, as a poor person, the appeal taken from the order of the Family Court, New York County, entered on or about June 7, 2010, assigning Howard M. Simms, Esq., as counsel on the appeal, and directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein,

And respondent-appellant having moved to compel the Clerk of the Family Court to produce the transcripts of certain proceedings not yet provided to respondent-appellant's counsel,

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

Ordered that the motion is granted to the extent of directing the Clerk of the Family Court, New York County, to provide the transcribed minutes for any proceedings dated, April 20, 2009 (Court Reporter Perez), or a statement that said proceedings were adjourned on those dates, or a statement that the transcripts were destroyed or that said minutes cannot otherwise be produced.

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 April 5, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
David Friedman  
Rolando T. Acosta  
Helen E. Freedman, Justices.

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

-against-

M-698  
Ind. No. 1004/07

Eric Harding,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about June 5, 2008, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief, or for alternative relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file eight copies of his pro se supplemental brief on or before July 11, 2011 for the September 2011 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----x

ACP Master, Ltd., et al.,  
Plaintiffs-Appellants,

-against-

M-629  
Index No. 652146/10

Vitro, S.A.B. De C.V., et al.,  
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 9, 2011 (mot. seq. no. 006),

And plaintiffs-appellants having moved for a stay of a portion of the order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied. (See M-630, decided simultaneously herewith.)

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 April 5, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----x

Elliott International L.P., et al.,  
Plaintiffs-Appellants,

-against-

M-630  
Index No. 652223/10

Vitro, S.A.B. De C.V., et al.,  
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 9, 2011 (mot. seq. no. 003),

And plaintiffs-appellants having moved for a stay of a portion of the aforesaid order pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied. (See M-629, decided simultaneously herewith.)

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 April 5, 2011.

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

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

-against-

**M-5478**  
Ind. No. 4369/09

Russell Harris,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about March 24, 2010,

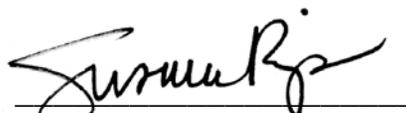
And an order of this Court having been entered on October 26, 2010 (Corrected Order entered on November 1, 2010) [M-4457], granting the unsealing of a certain psychiatric report and providing a copy of said report to defendant's counsel, Robert S. Dean, Esq.,

And respondent the People having moved for clarification of the aforesaid order of this Court entered on October 26, 2010 (Corrected Order entered on November 1, 2010) [M-4457],

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, received February 1, 2011, and due deliberation having been had thereon, it is

Ordered that the motion and appeal are deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 5, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Solomon Rapoport,

Plaintiff-Appellant,

-against-

**M-661**

Index No. 105141/06

Cambridge Development, LLC, doing  
business as Atria Retirement Living,  
et al.,

Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 18, 2009 (mot. seq. nos. 013, 014),

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 September 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 April 5, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
New York Community Bank,  
Plaintiff-Respondent,

-against-

M-1293  
Index No. 117348/08

Parade Place, LLC, et al.,  
Defendants-Appellants.  
-----X

Defendant-appellant Parade Place, LLC, 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 May 4, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2011 Term. (See M-1294, decided simultaneously herewith.)

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 April 5, 2011.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
New York Community Bank,  
Plaintiff-Respondent,

-against-

M-1294  
Index No. 117350/08

Parade Place, LLC, et al.,  
Defendants-Appellants.  
-----X

Defendant-appellant Parade Place, LLC, 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 May 4, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2011 Term. (See M-1293, decided simultaneously herewith.)

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 April 5, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Kyle Tinney and Korene Tinney,  
Plaintiffs-Respondents-Appellants,

-against-

M-670  
Index No. 21154/06

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

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 28, 2009,

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the September 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 April 5, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

**M-391**  
Ind. No. 4676/08

Anonymous,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an order granting movant anonymity in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about October 14, 2009, designating the case as *People v Anonymous*, and sealing the record on appeal, including the minutes of the proceedings, the appellate briefs, the minutes of the proceedings, and other 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 that the record on appeal and brief are sealed. The Clerk is directed to calendar the appeal under *People v Anonymous*.

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 April 5, 2011.

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  
Cathy Gamble,  
Petitioner,

For a Judgment, etc.,

M-436  
Index No. 400397/09

-against-

New York City Housing Authority,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 7, 2009,

And an order of this Court having been entered on September 28, 2010 (M-3854), granting respondent New York City Housing Authority's motion to dismiss the proceeding for failure to timely perfect,

And petitioner having moved for an order reinstating the proceeding and/or reargument of the order of this Court entered on September 28, 2010 (M-3854),

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

It is ordered that the motion is denied.

ENTER:

  
CLERK



SUPREME COURT OF THE 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-438  
Respondent, Docket No. 55442C/05  
-against- CERTIFICATE  
DENYING LEAVE

Eddie Abelo, Defendant-Appellant.  
-----X

I, Leland G. DeGrasse, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that, upon application timely made by the above-named respondent for a certificate pursuant to CPL 460.20, and upon the record and proceedings herein,\* there is no question of law presented which ought to be reviewed by the Court of Appeals and permission to appeal, and related relief, is hereby denied.

Dated: March 8, 2011  
New York, New York



ENTERED: APR 05 2011

\_\_\_\_\_  
Justice of the Appellate Division

\*Description of order:

Supreme Court, Bronx County, rendered on January 18, 2007,  
reversed by App. Div., 1<sup>st</sup> Dept., on December 28, 2010.

\_\_\_\_\_  
Notice: The Clerk is directed to immediately file a copy of this Certificate with the Clerk of the Court of Appeals Pursuant to CPL § 460.20 subd. 5.