

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 7, 2011.

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

-----X
Raymonde Oliveira, as Administratrix of
The Estate of Jose Da Costa Oliveira,

Plaintiff-Respondent,

-against-

Humberto Parra, et al.,

Defendants-Appellants.
-----X

M-875X
Index No. 109918/03

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about October 14, 2010 (mot. seq. nos. 005, 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 23, 2011, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 7, 2011.

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-

Stacy Christopher,

Defendant-Appellant.
-----X

M-1183

Ind. No. 4149/07

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 28, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 7, 2011.

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

-----X
Park Square Associates, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-1184
Index No. 111805/07

Interstate Indemnity Company,
Defendant-Appellant,

-and-

First Station Realty LLC, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 30, 2010 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, filed March 11, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2011 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 7, 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-986
Ind. No. 4515/08

Osiris Marte,

Defendant-Appellant.

-----X

An order of this Court having been entered on August 24, 2010 (M-3083) 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 October 30, 2009,

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 7, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Rolando T. Acosta
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Bank Leumi USA, et al.,

Plaintiffs-Respondents,

-against-

Vintage Designs, Ltd., doing business as
What Comes Around Goes Around, et al.,

Defendants-Appellants.
-----X

M-185
M-850
Index No. 105504/09

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 4, 2010 (mot. seq. no. 002),

And plaintiffs-respondents having moved for dismissal of the aforesaid appeal (M-185),

And defendants-appellants having cross-moved for an enlargement the time to perfect their appeal, or for alternative relief (M-850),

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-185) to dismiss the appeal is granted unless perfected for the September 2011 Term. The cross motion (M-850) is granted to the extent of enlarging the time in which to perfect the appeal for the said 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 7, 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 Robert L. Myers, doing business
as B&G Roofing,
Petitioner,

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

M-931
Index No. 111482/09

against

Jonathan Mintz, as Commissioner of
the New York City Department of
Consumer Affairs, and the City of
New York,
Respondents.

X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about November 16, 2009,

And petitioner having moved for an enlargement of time in which to perfect the aforesaid proceeding,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the proceeding to the September 2011 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the proceeding may be entered ex parte provided that respondents serve a copy of this order upon petitioner 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 April 7, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
Diane T. Renwick
Sheila Abdus-Salaam, Justices.

-----x
Carnegie Associates, Ltd.,
Plaintiff-Appellant,

-against-

Eric J. Miller, et al., M-79
Defendants-Respondents. M-321
- - - - - M-324
Eric J. Miller, et al., M-540
Counterclaim Plaintiffs-Respondents, Index No. 600109/08

-against-

Carnegie Associates, Ltd., Sherwood
Schwarz and Kevin Daly,
Counterclaim Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County entered on or about December 16, 2010 (mot. seq. no. 004),

And plaintiff-appellant having moved (M-79) for a stay of the order pending hearing and determination of the aforesaid appeal and, by separate motion (M-321), for leave to enlarge the record on appeal to include certain evidence and e-mails (Exhibits 5-14 to the moving papers [M-321]),

And defendants-respondents having cross-moved (M-324/M-540), by separate motions for, inter alia, the imposition of costs and attorney's fees resulting from the motion for a stay,

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

It is ordered that the motion (M-79) is granted and enforcement of the order is stayed pending hearing and determination of the appeal on condition plaintiff-appellant perfects the appeal to on or before July 11, 2011 for the September 2011 Term. The motion to enlarge the record on appeal (M-321) is granted to the extent of permitting plaintiff-appellant to submit, as exhibits to the appeal, certain e-mails between plaintiff-appellant and its attorneys appearing as exhibits 7, 8, and 10 through 15 to the affirmation of Michael D. Brown, Esq., and otherwise denied. The cross motions (M-324/M-540) are denied.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is fluid and cursive, with a prominent initial "S" and "R".

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 7, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Citigroup Global Markets Realty Corp.,
Plaintiff-Respondent,

-against-

M-1087
Index No. 17861/06

Victoria B. James,
Defendant-Appellant.

-----X

Appeals having been taken from a decision and order of the Supreme Court, Bronx County, entered on or about March 31, 2010 and from the order of said Court entered on or about February 1, 2011,

And defendant-appellant having moved for, inter alia, a stay of enforcement of the order entered on or about March 31, 2010 denying her motion to vacate a stay of her eviction, and for other relief,

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

Ordered that the motion is denied in its entirety.

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 7, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David Friedman
James M. Catterson, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-343

Ind. No. 9285/97

Martin Marrero,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on November 4, 2004 (Appeal No. 4518), unanimously affirming a judgment of the Supreme Court, New York County (Richard D. Carruthers, J.), rendered on April 5, 2000,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 April 7, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
James M. McGuire
Sheila Abdus-Salaam, Justices.

-----X
Kel-Tech Construction, Inc.,

Plaintiff-Appellant,

-against-

New York City Housing Authority,

Defendant-Respondent.
-----X

M-348
Index No. 112707/07

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 28, 2010 (Appeal No. 3414),

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 April 7, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. McGuire
Karla Moskowitz, Justices.

-----X

Siegmund Strauss, Inc.,
Plaintiff-Respondent,

-against-

M-568
Index No. 601991/06

East 149th Realty Corp.,
Defendant,

Windsor Brands, Ltd., et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 21, 2010 (Appeal No. 2606),

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 April 7, 2011.

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

-----X
Ninth Avenue Realty LLC,
Petitioner-Landlord-Appellant,

-against-

M-621
Index No. 570539/10

Charles McKay and Bret D. Silver,
Respondent-Tenants-Respondents,

-and-

"John Doe' and/or "Jane Doe",
Respondents-Undertenants.

-----X

Petitioner 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 18, 2010,

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

It is ordered that the motion is 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 April 7, 2011.

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

-----X

In Re:
New York County Asbestos Litigation

-----X

This Document Relates to:

George W. Kersten, Sr., and Enriqueta
Kersten,
Plaintiffs-Respondents,

M-898
Index No. 190129/10

-against-

A.O. Smith Water Products, et al.,
Defendants,

Tishman Realty & Construction Co.,
Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 7, 2011,

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 the correspondence from counsel for defendant-appellant, dated March 2, 2011, and due deliberation having been had thereon, it is

Ordered that the motion and the appeal are deemed withdrawn in accordance with the aforesaid correspondence, the matter having been settled.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 7, 2011.

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

-----X
Arthur Batsidis,
Plaintiff-Appellant,

-against-

M-656
Index No. 603606/07

Wallack Management Company, Inc.
and 225 East 57th Street Owners,
Inc.,
Defendants-Respondents.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 29, 2010 (mot. seq. no. 003),

And plaintiff-appellant having moved to dismiss defendants-respondents' cross appeal,

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

It is ordered that the motion is granted and the cross appeal is dismissed. The direct appeal remains extant.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 7, 2011.

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

-----X
Gurumurthy Kalyanaram,

Petitioner-Appellant,

-against-

New York Institute of Technology,

Respondent-Respondent.
-----X

M-76

Index No. 115829/09

Petitioner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 2, 2010 (Appeal No. 3755),

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 April 7, 2011.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X
Briarpatch Limited, L.P., et al.,
Plaintiffs-Appellants,

-against-

M-1033

Index No. 603364/01

Briarpatch Film Corp., et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 24, 2010 (mot. seq. no. 033),

And plaintiffs-appellants having moved for leave to file an abbreviated record on appeal, to expedite the hearing of the appeal, and to stay discovery with related relief pending hearing and determination of said 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 plaintiff seeking a preference for the hearing of the appeal upon perfection thereof.

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 7, 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-

M-571
Ind. No. 3799/03

Delroy Joe, also known as Joe Delroy,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 4, 2003, 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. (CPL 460.30)

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 7, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Rolando T. Acosta
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Voom HD Holdings LLC,

Plaintiff-Respondent,

-against-

M-1305
Index No. 600292/08

EchoStar Satellite, L.L.C.,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by the above-named defendant from the order of the Supreme Court, New York County, entered on or about November 9, 2010 (mot. seq. nos. 002, 003, 004, 005),

And defendant-appellant having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted and the amicus curiae briefs submitted with the moving papers is deemed filed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 7, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Diane T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Halimah P.,
Sumiyah P.,
Anwar P.,
and Hamzah P.,

M-5962
Docket Nos. NN375/08
NN19785/10
NN19786/10
NN33684/10

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

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

Tashara F.,
Respondent,

Duval W. P.,
Respondent-Appellant.

Ariba Zarrida, Esq.,
Attorney for Child Halimah P.,

Stephanie Rancer, Esq.,
Attorney for Child Sumiyah P.,

Holden Thornton, Esq.,
Attorney for Children Anwar and
Hamzar P.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about December 1, 2010, directing respondent-appellant's incarceration for a certain period of time or until certain conditions were met by respondent in adherence with an underlying order of said Family Court, dated November 29, 2010,

And an interim order of a Justice of this Court, dated December 3, 2010, having stayed respondent-appellant's incarceration pending further order of this Court,

And respondent-appellant having moved for a stay of the aforesaid order of the Family Court 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 and respondent's incarceration is stayed on condition that respondent's appeal is perfected on or before July 11, 2011 for the September 2011 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that petitioners-respondents serve a copy of this order upon respondent-appellant within 10 days after the date of entry hereof.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive, flowing style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 7, 2011.

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

-----X
Jonathan Dalin,
Plaintiff-Respondent,

-against-

M-919

Index No. 117962/06

Pir Z. Hassa and Ronsra Cab Corp.,
Defendants-Appellants,

-and-

Hurricane Hacking Corp.,
Defendant.

-----X
Ronsra Cab Corp. and Pir Z. Hassa,
Third-Party Plaintiffs-Appellants,

-against-

Paul C. Opperman,
Third-Party Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 4, 2010 (mot. seq. no. 002),

And defendants-appellants 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 the correspondence from defendants-appellants' counsel, dated March 9, 2011, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn according to 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 7, 2011.

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

-----X
Melissa Luftman,
Plaintiff-Respondent,

-against-

Fashion 21, Inc., et al.,
Defendants,

The Original, Inc.,
Defendant-Appellant.

M-351
Index No. 107761/06

-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 4, 2010,

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

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant-appellant's counsel, dated February 18, 2011, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 7, 2011.

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

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

Sandra A. H.,
Petitioner-Respondent,

M-644
Docket No.
V-18451/09

-against-

Josefina M., also known as
Josefina P., also known as
Josefina M.-L.,
Respondent-Appellant.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about January 19, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;**

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

(3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 7, 2011.

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

-----X

The People of the State of New York
ex rel. Donnel Baines,

Petitioner,

-against-

M-825
Ind. No. 5299/10

The State of New York and Warden J.
Davis of G.M.D.C.,

Respondents.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the application for the writ is hereby granted, and

It is further ordered that the matter is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007 for the issuance of said writ and service by mail upon the respective parties.

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 April 7, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

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

Lisa Harbatkin,
Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-1203
Index No. 104933/09

New York City Department of Records
and Information Services; et al.,
Respondents-Respondents.

- - - - -
Advance Publications, Inc., et al.,
Amicus Curiae.

-----X
An appeal having been taken to this Court by the above-named petitioner from the order of the Supreme Court, New York County, entered on or about March 18, 2010,

And Advance Publications, Inc., et al., having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of deeming the amicus curiae briefs submitted with the moving papers herein as filed for the May 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 7, 2011.

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

-----X
Naghib Sumar,

Plaintiff-Respondent,

-against-

M-817
Index No. 112984/09

Barry Fox and Malla Perry,

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, New York County, entered on or about May 21, 2010,

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

It is ordered that the motion is 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 7, 2011.

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

-----X

Aaron Elkin,

Plaintiff-Appellant,

-against-

Andrea Labis,

Defendant-Respondent.

-----X

M-809
Index No. 105411/08

Consolidated appeals having been taken to this Court from an order of the Supreme Court, New York County, entered on or about November 16, 2009, and from the judgment of said Court entered on or about January 22, 2010, respectively,

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals 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 7, 2011.

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

-----X
534 East 11th Street Housing Development
Fund Corporation,

Plaintiff-Respondent,

-against-

M-711
Index No. 116064/08

Peter Hendrick,

Defendant-Appellant.
-----X

Defendant-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 November 17, 2009 (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 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 7, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Miguel Pimentel, an infant by his
mother and natural guardian,
Santa Reyes, et al.,
Plaintiffs,

-against-

M-4419
Index No. 26624/02

Leonico DeJesus,
Defendant-Appellant-Respondent,

Elizabeth Cahill,
Defendant,

Chase Manhattan Auto Finance Corp.,
Defendant-Respondent-Appellant.

-----X

A decision and order of this Court having been entered on July 1, 2008 (Appeal No. 2289), unanimously modifying the order of the Supreme Court, New York County, entered on or about September 14, 2006,

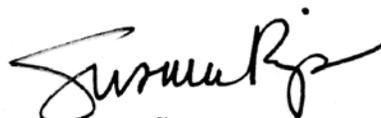
And an order of this Court having been entered on November 13, 2008 (M-3665) denying defendant-appellant-respondent's motion for reargument of the aforesaid decision and order of this Court,

And defendant-appellant-respondent Leonico DeJesus having renewed his motion for reargument of the aforesaid motion order of this Court entered on November 13, 2008 (M-3665),

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 April 7, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----x
Jean Walton Leser, doing business as
The Luxury Portal,

Plaintiff-Respondent,

-against-

Christopher Penido, etc.,

Defendant-Appellant.
-----x

M-1325
Index No. 104005/07E

Appeals having been taken to this Court by defendant from orders of the Supreme Court, New York County entered on or about September 28, 2010 and February 23, 2011, respectively,

And defendant-appellant having moved for a stay of enforcement of a hearing to determine attorney's fees pending hearing and determination of the appeals 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.

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 7, 2011.

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

-----X

In the Matter of

Briana R.,
Kyreem R., Jr. and
Kylani R.,

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

M-327
Docket Nos.
NA-16800-02/09

- - - - -
Administration for Children's Services,
Petitioner-Respondent,

Kyreem B.,
Respondent-Appellant.
- - - - -

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Attorney for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of fact-finding of the Family Court, New York County, entered on or about November 19, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal,

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

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is fluid and cursive, with a prominent initial "S" and a distinct "R" and "J".

CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 7, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
David Friedman
Karla Moskowitz
Nelson S. Román, Justices.

-----X
Connectu, Inc.,
Petitioner,

-and-

Howard Winklevoss, et al.,
Petitioners-Appellants-Respondents,

-against-

SEALED

M-714

Index No. 602082/08

Quinn Emanuel Urquhart Oliver &
Hedges LLP,
Respondents-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about November 8, 2010 (mot. seq. no. 011) and from a judgment of said Court entered on or about November 29, 2010,

And respondents-respondents-appellants having moved for dismissal of petitioners-appellants-respondents' direct appeal taken from said Court,

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

It is ordered that the motion is granted unless petitioners-appellants-respondents perfect their direct appeal for the September 2011 Term. Upon failure to so perfect respondents-respondents-appellants may move on notice to dismiss the aforesaid direct 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 April 7, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Karla Moskowitz
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-362
Ind. No. 2654/06

Herman Thomas,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on December 8, 2009 (Appeal No. 1686), unanimously affirming a judgment of the Supreme Court, New York County (Charles H. Solomon, J. at suppression motion; Edward J. McLaughlin, J. at jury trial and sentence), rendered on May 18, 2007,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 April 7, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Milt Holdings LLC,

Plaintiff-Landlord-Appellant,

-against-

M-5456
Index No. 570014/10

181 PM LLC,

Respondent-Tenant-Respondent,

-and-

"ABC Corp." and "XYZ Inc.,"

Respondents-Undertenants.
-----X

Plaintiff-landlord-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 17, 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 April 7, 2011.

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

-----X
Timothy Williams,

Plaintiff-Appellant,

-against-

M-448
Index No. 8254/04

The City of New York,

Defendant-Respondent.
-----X

Plaintiff-appellant 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 August 18, 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 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 files nine copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:



CLERK

CORRECTED ORDER - June 1, 2011

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 7, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
James M. Catterson
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
BPIII-548-West 164th Street LLC.,

Petitioner-Landlord-Respondent,

-against-

M-6287

Index No. 570479/09

Jose Garcia,

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

Respondent-tenant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about September 2, 2010 for a stay of a certain nonpayment proceeding pending in the Housing Part of the Civil Court of the City of New York, entitled *BPIII-548-164th Street LLC v Jose Garcia*, Index No. 86956/07, and for poor person relief (CPLR 1101[a]),

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 aforementioned nonpayment proceeding is stayed on condition that tenant-appellant continues to remain current in payment of rent in the amount of \$358.00 per month and upon further condition that the appeal is perfected on or before July 11, 2011 for the September 2011 Term. Upon failure to meet either condition petitioner-landlord-respondent may move on notice to vacate the stay. Respondent-tenant-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.

CORRECTED ORDER - June 1, 2011

(M-6287)

-2-

April 7, 2011

Respondent-tenant-appellant is permitted to perfect the appeal upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, 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.

ENTER:


CLERK

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-81
Ind. No. 3521/02

-against-

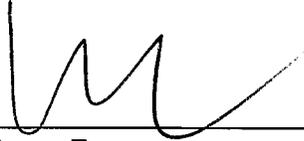
CERTIFICATE
DENYING LEAVE

Jacob Reyes,

Defendant.

-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about December 3, 2010 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: March 28, 2011
New York, New York

ENTERED APR 07 2011

PM ORDERS
ENTERED ON
APRIL 7, 2011

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 7, 2011.

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

-----X

Beys General Construction Corp.,

Plaintiff-Respondent,

-against-

Hill International, Inc.,

Defendant-Appellant.

M-1100
Index No. 601410/08

-----X

Defendant-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 June 11, 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