

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 12, 2011.

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

-----X
Fisk Building Associates, LLC,

Plaintiff-Appellant,

-against-

The Dannelisse Corp.,

Defendant-Respondent.
-----X

M-1286X
Index No. 110716/09

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 24, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 17, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 12, 2011.

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

-----X
Palwinder Singh and Kulwand Kuar,
Plaintiffs-Respondents,

-against-

4064 Bronx Blvd LLC and SG2
Properties LLC,
Defendants-Appellants,

M-1255
Index No. 305698/08

-and-

SG2 Realty LLC,
Defendant.

-----X
4064 Bronx Blvd, LLC and SG2
Properties LLC,
Third-Party Plaintiffs,

Third Party
Index No. 84172/08

-against-

Sajid Construction Corp. and
S.B.R.S. Lakhi Construction, Inc.,
Third-Party Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 14, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated March 15, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the April 2011 Term, and the motion to stay trial pending hearing and determination of said appeal, are withdrawn in accordance with the aforesaid stipulation.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 12, 2011.

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

-----X
Edward Branch, et al.,

Plaintiffs-Respondents,

-against-

M-1257
Index No. 109150/09

Party Rental, Ltd., et al.,

Defendants-Appellants,

-and-

Cesar D. Holloway, also known as
Cesar D. Holloway,

Defendant.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, filed March 16, 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 12, 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-963
Ind. No. 5758/10

Taquan Alleyne,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 25, 2011, 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 12, 2011.

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

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

-against-

M-964
Ind. No. 5007/10

James Ballard,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 2, 2011, 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 12, 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-967
Ind. No. 3472/10

Michael Feliciano,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 2, 2011, 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 12, 2011.

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

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

-against-

M-969
Ind. No. 3767/10

Lillian Lacart,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 4, 2011, 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 12, 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-970
SCI No. 5911/10

Juan Martinez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 26, 2011, 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 12, 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-971
Ind. No. 1544/10

Daviel McCummings,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 20, 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 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-972
Ind. No. 2138/10

Hector Madera Alvarez, also known as
Hector Madera,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 29, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 12, 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-973
Ind. No. 3628/10

Ronald Pickney, also known as
Ronald Pinkney,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 1, 2011, 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 12, 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-974
Ind. No. 574/10

Jamal Williams,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 20, 2011, 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.

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 12, 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-975
Ind. No. 2291/10

Ariel Wilson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 24, 2011, 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 12, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
Rosalyn H. Richter Justices.

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

-against-

M-918
Ind. No.4955/08

Edward DeLacruz,
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant 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 12, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-920
Ind. No. 3139/09

Darnell Credel,
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 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-789
Ind. No. 3175/08

Carlos Rodriguez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 21, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal, including the amount and sources of his income and listing his property with its value. (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 12, 2011.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-1052
Ind. No. 4451/07

Victor Perez,
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, Bronx County, rendered on or about May 11, 2009, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is 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 12, 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
ex rel. Te-Hu Tsuei,

Petitioner,

-against-

M-721

Warden, G.M.D.C., N.Y.C. Dept. of
Corrections,

Respondent.
-----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 12, 2011.

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

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of
the Family Court Act.

Gerald H.,
Petitioner-Appellant,

-against-

M-643
Docket No. O-10804/10

Beverly H.,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about February 1, 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 said motion, and due deliberation having been had thereon,

It is ordered that said motion is denied, with leave to renew, upon filing an affidavit setting forth in detail a list of petitioner-appellant's assets including but not limited to bank accounts, real property and pension benefits, and upon submission of petitioner's tax returns for 2009 and 2010.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on April 12, 2011.

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

-----X

1515 Broadway Fee Owner, LLC, et al.,

Plaintiffs-Respondents,

-against-

M-1254
Index No. 603461/08

Seneca Insurance Company, Inc.,

Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 1, 2011,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court dated March 16, 2011 is vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X

Kenneth E. Ramseur,

Plaintiff-Appellant,

-against-

M-845

Index No. 106397/06

Hudsonview Company, Third IR Realty Corp., Empire State Management Company, Hudsonview Terrace, LLC, Zachary Fruchthandler and Ephraim Fruchthandler,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about October 13, 2010, and for other relief,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal for the September 2011 Term. The stay previously granted by an order of this Court entered on November 30, 2010 (M-5429), is continued on condition the appeal is perfected for 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 12, 2011.

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

-----X
Pennbus Realties, LLC,
Plaintiff-Appellant-Respondent,

-against-

M-1151
Index No. 116376/06

H Eighth Avenue Associates LLC,
Defendant-Respondent-Appellant,

Gateway Demolition Corp.,
Defendant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about entered on or about November 18, 2011,

And plaintiff-appellant having moved to stay the aforesaid order of the Supreme Court pending hearing and determination of the appeal and cross appeal,

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

Ordered that the motion is 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 12, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-864
Ind. No. 3989/08

Celso Alvarez,

Defendant-Appellant.

-----X

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about June 22, 2010,

And defendant having moved pro se for an order granting summary reversal, 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 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 12, 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-797
Ind. No. 212/09

Lidya Espinoza,
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, Bronx County, rendered on or about May 20, 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 12, 2011.

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

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of
the Family Court Act.

Gloria O., M-445
Petitioner-Appellant, Docket No. O-10528/10

-against-

Silvino C.,
Respondent-Respondent.

-----X
Petitioner-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 December 17, 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**

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 12, 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,
Respondent,

-against-

M-810
Ind. No. 523/09

Michael Boone,
Defendant-Appellant.

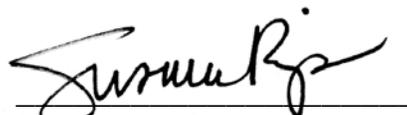
-----X

Defendant-appellant having moved pro se and by assigned counsel, 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 January 6, 2010, 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 deeming the pro se supplemental brief enclosed in the motion jacket as timely filed and directing defendant to serve and file eight copies of his pro se supplemental brief to on or before July 11, 2011 for the 2011 September Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned. 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 12, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. McGuire
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X

Dorothy Singer, et al.,

Plaintiffs-Respondents,

-against-

M-11

Index No.
602568/08

Robert Seavey, et al.,

Defendants-Appellants,

John L. Edmonds,

Defendant-Respondent.

-----X

Defendant-respondent John L. Edmonds 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 9, 2010 (Appeal Nos. 3839, 3839A),

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

It is ordered that the motion to the extent it seeks reargument is granted and, upon reargument, the decision and order of this Court entered on December 9, 2010 (Appeal Nos. 3839, 3839A) is recalled and vacated and a new decision and order substituted therefor. (See Appeal Nos. 3839, 3839A, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, is denied as academic.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2011.

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

-----X
Thomas Burke and Marie Burke,
Plaintiffs-Respondents,

-against-

Hilton Resorts Corporation, Tishman
Construction,
Defendants-Appellants-Respondents,

-and-

Century Maxim Construction Corp.,
Defendant-Respondent-Appellant.

-----X
Hilton Resorts Corporation and
Tishman Construction Corporation
of New York,
Third-Party Plaintiffs-
Appellants-Respondents,

-against-

Century Maxim Construction Corp.,
Third-Party Defendant-
Respondent-Appellant,

Third Party
Index No. 590059/09

Construction and Realty Services
Group, Inc.,
Third-Party Defendant-Respondent,

Faithful and Gould,
Third-Party Defendant,

Rebar Lathing Corp.,
Third-Party Defendant-
Appellant-Respondent.

-----X

Defendants-third-party plaintiffs-appellants-respondents Hilton Resorts Corporation and Tishman Construction Corporation of New York having moved (M-1161) for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 1, 2010 (mot. seq. no. 005), and said appeals having been perfected,

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 12, 2011.

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

-----X
43rd Street Deli, Inc.,
Plaintiff,

-against-

Paramount Leasehold, L.P.,
Defendant.

M-1216
Index No. 110073/06

-----X

Plaintiff having moved, pursuant to CPLR 5704(a), for certain relief denied by a Justice of Supreme Court, New York County, pending the determination of plaintiff's motion to remove and transfer the holdover proceeding to the New York County Supreme Court, 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.

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 12, 2011.

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

-----X
The City of New York,

Plaintiff-Appellant,

-against-

M-909
Index No. 401385/06

Investors Insurance Company,
also known as Investors Insurance
Company of America,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the orders of the Supreme Court, New York County, entered on or about April 19, 2010 (mot. seq. nos. 001, 002),

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

It is ordered that the motion is granted 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 12, 2011.

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

-----X

Maria Mongelluzzo,

Plaintiff-Respondent,

-against-

City of New York,

Defendant-Appellant,

Saul Eisenberg, etc.,

Defendant.

-----X

M-1010
Index No. 102649/01

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 May 28, 2010 (mot. seq. no. 005),

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 12, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

-against-

M-5428
Ind. No. 7538/89

Johnathan Padworski, also known as
Jonathan Papworski, also known as
Gerald David, also known as
Gerald Davis,
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 **resentence** of the Supreme Court, New York County, rendered on or about August 3, 2009, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 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 in the County of New York on April 12, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Sheila Abdus-Salaam,
Sallie Manzanet-Daniels, Justices.

-----X

Frederick Loomis,
Plaintiff-Appellant,

-against-

M-297

Index No. 309209/09

Jill Royce Loomis,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 28, 2010 (mot. seq. no. 004),

And plaintiff-appellant having moved to stay so much of the aforesaid order of the Supreme Court awarding pendente lite attorneys fees in the amount of \$15,000, 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, on condition the 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 defendant-respondent serves a copy of this order upon plaintiff-appellant within 10 days after the date of entry hereof.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Sheila Abdus-Salaam,
Sallie Manzanet-Daniels, Justices.

-----X
Albert Togut, as Chapter 7 Trustee
for Berthenia Singleton,

Plaintiff-Respondent,

M-1023

Index No. 302596/08

-against-

Riverbay Corporation,

Defendant-Appellant.
-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about September 30, 2010 and on or about December 14, 2010,

And defendant-appellant having moved for an order staying the trial pending hearing and determination of the aforesaid 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 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 12, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Sheila Abdus-Salaam,
Sallie Manzanet-Daniels, Justices.

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

Wanda V., **M-1098**
Petitioner-Appellant, Docket No. V11109/10

-against-

Ronald C.,
Respondent-Respondent.
-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about March 3, 2011,

And petitioner-appellant having moved for a stay of the aforesaid order pending hearing and determination of the appeal, and for leave to prosecute said appeal, as a poor person, for the assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on April 12, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
John C. Raniolo and Denise Raniolo,
Plaintiffs-Respondents-Appellants,

-against-

M-1031
Index No. 20059/06

The City of New York,
Defendant,

-and-

Educational Construction Fund, et al.,
Defendants-Respondents,

-and-

Nouveau Elevator Industries, Inc.,
Defendant-Appellant-Respondent.

-----X

Defendant-appellant-respondent Nouveau Elevator Industries, Inc. having moved for a stay of trial pending hearing and determination of the appeal and cross appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 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 12, 2011.

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

-----X

In the Matter of

Naisha Johanna V. O.,

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York.

- - - - -

Seaman's Society for Children and Families,

Petitioner-Respondent,

M-515
Docket No.
B-5246/07

John V., also known as Johnny V., Jr.,
Respondent-Appellant.

- - - - -

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

-----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 5, 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, 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

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

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

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

M-737
Ind. No. 2801/03

-against-

CERTIFICATE
DENYING LEAVE

Delroy Pitterson, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about March 4, 2010, is hereby denied.

Dated: New York, New York
March 18, 2011

ENTERED APR 12 2011



Hon. Leland G. DeGrasse
Justice of the Appellate Division

PM ORDERS
ENTERED ON
APRIL 12, 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 12, 2011.

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

-----x
United States Fidelity and Guaranty
Company, et al.,
Plaintiffs-Respondents,

-against-

M-6269A
Index No. 604517/02

American Re-Insurance Company, et al.,
Defendants-Appellants.
-----x

Separate appeals having been taken to this Court by defendants-appellants American Re-Insurance Company and Excess Casualty Reinsurance Company from orders of the Supreme Court, New York County, entered on or about August 20, 2010 (mot. seq. nos. 024 & 027) and October 22, 2010, respectively, and from the judgment of said Court entered on or about and October 25, 2010, and said appeals having been perfected upon separate briefs and a joint appendix for the April 2011 Term,

And plaintiffs-respondents having moved for an order consolidating the aforesaid appeals; directing that appellants be represented by one counsel at oral argument and permitted only 15 minutes for argument time; for an extension of time for plaintiffs to file a respondent'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 appellants to prosecute the appeals upon the separate briefs and joint appendix filed on January 3, 2011, without prejudice to submission of a request by plaintiffs to the Clerk of the Court seeking permission to file an over-sized respondent's brief and for additional time for oral argument. The motion is otherwise denied as academic, said appeal having been perfected for the April 2011 Term. The order of this Court entered on February 8, 2011 (M-6269) is hereby recalled and vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2011.

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

-----X
United States Fidelity & Guaranty Company,
et al.,
Plaintiffs-Respondents,

-against-

M-78A
Index No. 604517/02

American Re-Insurance Company, et al.,
Defendants-Appellants,

Reinsurance Association of America,
Amicus Curiae.

-----X

Appeals having been taken to this Court by defendants-appellants American Re-Insurance Company and Excess Casualty Reinsurance Company from orders of the Supreme Court, New York County, entered on or about August 20, 2010 (mot. seq. nos. 024 & 027) and October 22, 2010, respectively, and from the judgment of said Court entered on or about October 25, 2010, and said appeals having been perfected for the April 2011 Term,

And Reinsurance Association of America having moved for an for leave to file a brief amicus curiae with respect the aforesaid 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 directing movant to immediately file 9 copies of the amicus curiae brief with the Clerk of this Court. The order of this Court entered on February 8, 2011 (M-78) is hereby recalled and vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2011.

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

-----X
United States Fidelity & Guaranty Company,
et al.,
Plaintiffs-Respondents,

-against-

M-1093
Index No. 604517/02

American Re-Insurance Company, et al.,
Defendants-Appellants,

Complex Insurance Claims Litigation
Association and Chartis, Inc.,
Amicus Curiae.

-----X

Appeals having been taken to this Court by defendants-appellants American Re-Insurance Company and Excess Casualty Reinsurance Company from orders of the Supreme Court, New York County, entered on or about August 20, 2010 (mot. seq. nos. 024 & 027) and October 22, 2010, respectively, and from the judgment of said Court entered on or about October 25, 2010, and said appeals having been perfected for the April 2011 Term,

And Complex Insurance Claims Litigation Association and Chartis, Inc. 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 10 copies of the amicus curiae brief submitted with the moving papers herein as 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 12, 2011.

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

-----X

United States Fidelity and Guaranty
Company, et al.,
Plaintiffs-Respondents,

M-682

Index No. 604517/02

-against-

American Re-Insurance Company, et al.,
Defendants-Appellants.

-----X

Separate appeals having been taken to this Court by defendants-appellants American Re-Insurance Company and Excess Casualty Reinsurance Company from orders of the Supreme Court, New York County, entered on or about August 20, 2010 (mot. seq. nos. 024 & 027) and October 22, 2010, respectively, and from the judgment of said Court entered on or about and October 25, 2010,

And an order of this Court having been entered on February 8, 2011 (M-6269), permitting defendants-appellants leave to prosecute the aforesaid appeals upon the separate briefs and joint appendix filed on January 3, 2011, without prejudice to submission of a request by plaintiffs-respondents to the Clerk of the Court seeking permission to file an over-sized respondents' brief and for additional time for oral argument,

And plaintiffs-respondents having submitted said request to the Clerk of the Court seeking permission to file an oversized brief and said request having been granted by the Clerk and said brief(s) having been accepted by this Court,

And plaintiffs-respondents having now moved for an order granting leave to file an oversized respondents' brief and correcting an error in this Court's prior orders entered on February 8, 2011 (M-6269 and M-78),

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 correcting the prior orders of this Court entered on February 8, 2011 (M-6269A and M-78A), released simultaneously herewith. So much of the motion which seeks permission to file an oversized respondent's brief is denied, as unnecessary, said relief having been granted by the Clerk of the Court.

ENTER:

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

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 12, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of

Brandon M.,

M-1163

Docket No. D189/11

A Person Alleged to be a Juvenile
Delinquent,
Respondent-Appellant.

-----X

An appeal having been taken from order of the Family Court, Bronx County, entered on or about March 11, 2011, remanding respondent to the Administration for Children's Services for non-secure detention pending further proceedings in said Family Court,

And respondent having moved for a stay of the aforesaid order pending hearing and determination of the aforesaid 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 for a stay is granted, to the extent of directing that respondent be paroled to the custody of his parents Marilyn Munoz and Edgar Munoz, pending, and without prejudice to, either final disposition of the petition in Family Court, Bronx County under Docket No. D189/11 or, disposition of the appeal, on the conditions that: (1) respondent be placed upon intensive probation, as set forth in the recommendations of the Family Court Mental Health Services Clinical Report submitted to the Family Court (Presentment Agency's Ex. 2) on March 9, 2011, and which is attached as Exhibit L to the affirmation of John A. Newbury, Esq. submitted in support of the within motion,

and as set forth in the psychological evaluation of Dr. Elizabeth Osborne, dated February 21, 2011, which is attached as Exhibit J to the aforesaid Newbery affirmation and (2) that the appeal be perfected on or before July 11, 2011 for the September 2011 Term. Upon failure of respondent-appellant to abide by any of the aforesaid conditions the presentment agency may move on notice to vacate the aforesaid stay.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2011.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sheila Abdus-Salaam,
Nelson S. Román, Justices.

-----X

In the Matter of the Application of

Council of School Supervisors and Administrators, Local 1, American Federation of School Administrators, AFL-CIO, by its President Ernest Logan,

M-1334
Index No. 112483/09

Petitioner-Respondent,

For an Order and Judgment Pursuant to Article 75 of the Civil Practice Law and Rules,

-against-

New York City Department of Education, and Joel Klein, as Chancellor of the New York City School District, et al.,

Respondents-Appellants.

- - - - -
Local 891, International Union of Operating Engineers, AFL-CIO,

Amicus Curiae.

-----X

An appeal having been taken to this Court by the above-named respondents-appellants from the order of the Supreme Court, New York County, entered on or about August 4, 2010,

And Local 891, International Union of Operating Engineers, AFL-CIO 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 permitting movants to file nine copies of the brief as amicus curiae on or before April 20, 2011 for the June 2011 Term, to which Term the appeal is adjourned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 12, 2011.

Present: Hon. Peter Tom, Justice Presiding
Richard T. Andrias
David Friedman
Sheila Abdus-Salaam,
Nelson S. Román, Justices.

-----X

In the Matter of the Application of

Council of School Supervisors and Administrators, etc.,

Petitioner-Respondent,

M-1425

Index No. 112483/09

For an Order and Judgment Pursuant to Article 75 of the Civil Practice Law,

-against-

New York City Department of Education, and Joel Klein, as Chancellor of the New York City School District, et al.,

Respondents-Appellants.

United Federation of Teachers,

Amicus Curiae.

-----X

An appeal having been taken to this Court by the above-named respondents-appellants from the order of the Supreme Court, New York County, entered on or about August 4, 2010, and said appeal having been perfected,

And the United Federation of Teachers 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 9 copies of the amicus curiae brief 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 12, 2011.

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

-----X
Phillip Danishefsky and Peggy Danishefsky,

Petitioners-Appellants,

-against-

Roderick Covlin and David and Carol
Covlin,

Respondents-Respondents.

M-895
M-702
M-697
M-894

Action No. 1
Index No. 100206/10
SEALED

-----X

The People of the State of New York
ex rel. Joel Danishefsky and Jaelene
Danishefsky, on behalf of Anna Colvin
and Myles Colvin, their Granddaughter
and Grandson,

Petitioners-Appellants,

-against-

Roderick Covlin and David and Carol
Covlin,

Respondents-Respondents.

Action No. 2
Index No. 109087/10
SEALED

Jo Ann Douglass, Esq., attorney for
the child Anna Colvin,

Jane B. Friedman, Esq., attorney for
the child Myles Covlin.

-----X

Appeals having been taken in Action No. 1 from an order of the Supreme Court, New York County, entered on or about January 11, 2010, and from orders and an amended order of said Supreme Court entered on or about November 9, 2010,

And appeals having been taken in Action No. 2 from two orders of the Supreme Court, New York County, both entered on or about August 12, 2010 and from the order entered on or about February 4, 2011,

And petitioners-appellants, Phillip and Peggy Danishefsky (Action No. 1), having moved to stay enforcement of the aforesaid orders entered therein pending hearing and determination of their aforesaid appeals (M-895),

And petitioners-appellants, Joel Danishefsky and Jaelene Danishefsky (Action No. 2), having moved to stay enforcement of the aforesaid orders entered therein pending hearing and determination of their aforesaid appeals (M-702),

And Jo Ann Douglass, Esq., attorney for the child Anna Covlin, having cross-moved (Action No. 2) to stay certain hearings, to maintain this file under seal, and for related relief (M-697),

And Jo Ann Douglass, Esq., attorney for the child Anna Covlin, having also cross-moved to further seal the file in Action No. 1 [Index No. 100206/10] and to change the caption to "anonymous" or an alternative caption, to stay all proceedings pending hearing and determination of the aforesaid appeals, and for other relief (M-894),

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

Ordered that motions (M-895 and M-702) are granted to the extent of staying the enforcement of the orders entered on or about November 9, 2010 in Action No. 1 [Index No. 100206/10] and the orders entered August 12, 2010 in Action No. 2 [Index No. 109087/10], which, inter alia, granted the fee requests of the children's attorneys, on condition that petitioners' post an undertaking adequate to assure payment of the attorneys' fees, disbursements and expenses to date, in the amount of \$16,000,

plus an additional \$20,000 to cover the anticipated costs of these motions and the appeal for a total undertaking of \$36,000; and on further condition that the respective petitioners-appellants perfect their appeals on or before July 11, 2011 for the September 2011 Term, with no further enlargements to be granted.

The cross motion (M-697) is denied in all respects, the matter having been sealed by an order of the Supreme Court, New York County, entered on or about June 21, 2010. The cross motion (M-894) is granted only to the extent that counsel/movant's request that petitioners' stay be conditioned on the posting of an undertaking sufficient to cover fees incurred by both attorneys for the children to date has been granted in connection with motions M-702 and M-895, and the motion is otherwise denied.

ENTER:


CLERK