

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 14, 2011.

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

-----X
Calvin Tsao,
Plaintiff-Respondent,

-against-

Giovannitti Inc.,
Defendant-Appellant.

M-1283X
Index No. 602351/07

-----X
David Giovannitti Inc., also known as
Giovannitti Inc.,
Third-Party Plaintiff-Appellant,

-against-

Time Mechanicals Inc.,
Third-Party Defendant-Respondent.

Third-Party
Index No. 590152/09

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 16, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 16, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 14, 2011.

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

-----X
Elizabeth Garcia and Andrews Marques
Garcia,

Plaintiffs-Appellants,

-against-

M-1317X
Index No. 18734/07

JP Morgan Chase & Company and
United Building Maintenance Corp.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 1, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 18, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 14, 2011.

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

-----X

Anna Lopez,
Plaintiff-Respondent,

-against-

MC Gut LLC, SF Family Credit Shelter
Trust,
Defendant,

M-1319X
Index No.
15986/06

-and-

231 LLC,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 5, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 18, 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 14, 2011.

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

-----X
Lexington Insurance Company,
as subrogee of Pan Am Equities, LLC and
Huguenot Hill Development, LLC,

Plaintiff-Respondent/Respondent,

-against-

M-1342X
Index No. 110512/08

Victaulic Company,
Defendant-Appellant,

-and-

Maxiumum Fire Protection, Inc.,
Defendant-Appellant.

-----X

Separate appeals having been taken from the order of the Supreme Court, New York County, entered on or about March 17, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 21, 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 14, 2011.

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

-----X
In the Matter of

Marcus B.,

A Person Alleged to Be a Juvenile
Delinquent,

M-820
Docket No. D30057/09

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about January 26, 2011, as a poor person, 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 Section 35 of the Judiciary Law and Section 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 State of New York from funds available therefor;¹ **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

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

Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant 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", 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 14, 2011.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-5875

SCI. No. 1475/03

Corey Gamble,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 22, 2010 (Appeal No. 2607) unanimously affirming the judgment of the Supreme Court, Bronx County, rendered on or about November 19, 2004,

And defendant having renewed his motion for reconsideration of the aforesaid decision and order of this 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 14, 2011.

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

-----x

West One Twelve Holding Co. Inc.,

Plaintiff-Appellant,

-against-

The City of New York,

Defendant-Respondent.

-----x

M-994
Index No.
103154/09

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 24, 2009,

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

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

ENTER:


CLERK

It is ordered that the motion is granted, and counsel for movant is directed to perfect the consolidated appeals for the September 2011 Term.

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 14, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Albert Russo, doing business as
401 Broadway Building,
Plaintiff-Respondent,

-against-

M-896
Index No. 110600/09

Kenneth Heller,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 27, 2011 (Appeal No. 4115),

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 14, 2011.

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

-----X
Thomas A. Pollack,
Plaintiff-Appellant,

-against-

Peter Moore, et al.,
Defendants-Respondents.

M-827
M-1015
Index No. 650281/08

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about September 14, 2010,

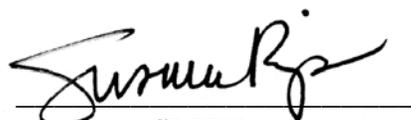
And plaintiff-appellant having moved for this Court to take judicial notice of various orders of the Supreme Court, New York County, detailed in Exhibit A to the moving papers (M-827),

And defendants-respondents having moved for this Court to take judicial notice of several orders of said Supreme Court detailed in Exhibits A, B, C and E to the moving papers (M-1015),

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

Ordered that the motions are granted to the extent of directing the respective movants to file 10 copies of the aforesaid material each with a copy of this order in the Clerk's Office of ths Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2011.

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

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

- - - - -
Claudio M., Petitioner-Appellant, **M-1026**
Docket No. V14298-05/10P

-against-

Janet R., Respondent-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx 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, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, NY 11598, Telephone No. (516) 994-6831, 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:


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 14, 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-1281
Ind. No. 3128/03

Keston Watson, also known as
Milton Joseph, also known as
Anthony Joseph,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 10, 2010, **denying resentence,**

Now, upon reading and filing the stipulation of the parties hereto, filed 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 14, 2011.

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

-----X
Cleonice Caiazza,
Plaintiff-Appellant,

-against-

Jerry Merola,
Defendant-Respondent.

M-822
M-823
Index No. 309700/09

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 10, 2010,

And plaintiff having moved for an order enlarging the record on appeal to include certain documents (M-822),

And plaintiff having moved by a separate motion for an enlargement of time in which to perfect said appeal (M-823),

Now, upon reading and filing the papers with respect to the motions, 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 (M-823.) The motion for an enlargement of the record on appeal is denied (M-822.)

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 14, 2011.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
In re Estate of Jean A. Holke,
Deceased.

Murray H. Shulman,
Petitioner-Appellant,

-against-

M-840
Index No. 3213/07

Martha Beverly,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for reargument of the decision and order of this Court entered on December 14, 2010 (Appeal No. 3901),

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 14, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X

Jeanne Sorensen Leff,
Plaintiff-Appellant,

-against-

M-6186
Index No. 117424/06

Fulbright & Jaworski, L.L.P., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 18, 2010 (Appeal Nos. 3637-3637A-3637B),

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 14, 2011.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
Dianne T. Renwick Justices.

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

-against-

M-138
Ind. No. 4288/92

Herman Spencer, also known as
Herman Powell,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 9, 1996 (Appeal Nos. 57467/57467A), unanimously affirming a judgment of the Supreme Court, New York County (Harold Rothwax, J.), rendered on January 5, 1994,

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 14, 2011.

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

-----x

Enoos Gonzalez,
Plaintiff-Respondent/Respondent,

-against-

The Port Authority of New York and
New Jersey,
Defendant-Appellant-Respondent,

M-932
M-819
Index No. 114796/05

T.U.C.S. Cleaning Service, Inc.,
Defendant-Appellant-Respondent.

-----x

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 14, 2010 (mot. seq. no. 008),

And defendants-appellants having jointly moved for a stay of trial pending hearing and determination of the aforesaid appeals (M-932),

And plaintiff-respondent/respondent having cross-moved for an extension of time to file a respondent's brief,

Now, upon reading and filing the papers with respect to the motion and cross-motion, and the correspondence from defendants-appellants dated March 15, 2011, and due deliberation having been had thereon,

It is ordered that the motion (M-932) is deemed withdrawn in accordance with the aforesaid correspondence. The cross-motion (M-819) 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 14, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Estate of Gertrude Steingart, et al.,
Plaintiff-Respondent,

-against-

M-529

Index No. 120875/03

Barbara Hoffman,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on January 4, 2011 (Appeal No. 4001),

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 14, 2011.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. Degrasse
Rosalyn H. Richter, Justices.

-----X
In the Matter of Douglas Latta,
Petitioner,

-against-

For a Judgment Pursuant to Article 78
of the CPLR.

M-815
Index. No. 400867/10

Robert M. Morgenthau, etc. et al.,
Respondents.

-----X
Petitioner having moved for leave to prosecute, as a poor person, the purported appeal from a judgment of the Supreme Court, New York County, dated June 18, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for leave to appeal to this Court, 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 filing of a notice of appeal from a properly entered judgment.

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 14, 2011.

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

-----x

Azita Zendel,

Plaintiff-Appellant,

-against-

Moore Capital Management, LLC, et al.,

Defendants-Respondents.

-----x

M-730
Index No.
602115/08

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 10, 2009,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2011.

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

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

Respondent,

-against-

M-913
Ind. No. 2529/03

Anthony Arriaga,

Defendant-Appellant.
-----X

An order of this Court having been entered on January 11, 2011 (M-6004), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 19, 2006,

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

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file eight copies of his pro se supplemental brief to on or before July 11, 2011 for the September 2011 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2011.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Leland G. Degrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Armand Retamozzo,
Plaintiff-Appellant,

-against-

M-574
Index No. 570343/10

Andrew Lavoott Bluestone,
Defendant-Respondent.
-----X

Plaintiff-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 July 19, 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 14, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Diane T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Susan Fazio and Frank Fazio,
Plaintiffs-Respondents,

-against-

M-1404
Index No. 117080/08

Costco Wholesale Corporation,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 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.

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 14, 2011.

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

-----X

GS Adjustment Company, Inc.,
Plaintiff-Respondent,

-against-

M-1150
Index No. 110971/07

Roth & Roth, L.L.P., et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 12, 2010 (mot. seq. no. 002),

And defendants-appellants having moved to stay trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is 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 14, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Application of
Weeks Woodlands Association, Inc.,
James Chin, Karen Pender, Dominick
Withanachihi and Frank Caselli,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78
and Section 3001 of the CPLR,

-against-

M-1407
Index No. 110502/10

Dormitory Authority of the State of
New York, New York State Department
of Health, New York City Department
of Buildings, St. Mary's Hospital
for Children, Inc. and St. Mary's
Healthcare System for Children, Inc.,
Respondents-Respondents.

-----X

Petitioners-appellants having moved for relief in the nature of a preference, and for related relief, in connection with the appeal from an order of the Supreme Court, New York County, entered on or about January 18, 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.

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 14, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Joanne Feaster,

Plaintiff-Appellant,

-against-

M-1092

Index No. 308385/08

Thami Boulabat and Brighton Car Service,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 25, 2011,

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

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

It is ordered that the motion is granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2011.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Mcguire
Karla Moskowitz
Rolando T. Acosta
Leland G. Degrasse, Justices.

-----X

Wanda Rivera, et al.,
Plaintiffs-Appellants-Respondents,

-against-

M-344

Index No. 26799/04

Debra Greenstein, M.D., et al.,
Defendants-Respondents-Appellants,

John Wells, M.D.,
Defendant.

-----X

Plaintiffs-appellants-respondents having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 16, 2010 (Appeal No. 2547),

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 14, 2011.

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

-----X
Joshua Guberman,
Plaintiff-Appellant,

-against-

M-1298
Index No. 105002/10

Paul E. Rudder, as Receiver,
Defendant-Respondent.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about May 12, 2010, and from the judgment of said Court entered on or about December 2, 2010 and the appeal from the order entered on or about May 12, 2010 having been perfected,

An order of this Court having been entered on January 18, 2011 enlarging defendant-respondent's time in which to file a respondent's brief to the May Term; adjourning the appeal to said Term and allowing respondent to submit certain orders as exhibits; and consolidating of the aforesaid appeals to the extent of directing plaintiff to perfect the appeal from the judgment entered December 2, 2010 for the May 2011 Term and directing the Clerk of the Court to calendar said appeals for hearing together in said May 2011 Term (M-5979/M-6176),

And defendant-respondent having moved to for further adjournment of the appeal; for leave to enlarge the record on appeal to include certain orders of the Supreme Court, New York County and for leave to reargue the aforesaid order of this Court entered January 18, 2011 (M-5979/M-6176), and for related relief,

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

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2011.

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

-----X
Patricia Forbes,
Plaintiff-Respondent,

-against-

M-1419
Index No. 101558/06

New York City Transit Authority and
Metropolitan Transportation Authority,
Defendants-Appellants.

-----X

Defendants-appellants having moved 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 May 5, 2010 (mot. seq. no. 003),

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

It is ordered that the motion is granted.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2011.

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

-----X
David Mitchell,
Plaintiff-Respondent,

-against-

M-1272
Index No. 110403/08

Steven Abrams,
Defendant-Appellant.

-----X

Appeals having been taken by defendant-appellant, from a judgment of the Supreme Court, New York County, entered on or about December 15, 2010 and from an order of the same court and Justice entered on or about January 18, 2011 (mot. seq. no. 006), and said appeals having been perfected,

And plaintiff-respondent having moved for dismissal 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 granted to the extent granting plaintiff-respondent leave to file a supplemental record on appeal to include the affidavit of Allen Bloom and a certain news article dated January 22, 2008 attached as Exhibit P to plaintiff-respondent's notice of motion, at plaintiff-respondent's own expense and adjourning the appeals to the September 2011 Term. The motion is otherwise denied, without prejudice to both sides raising the remaining arguments on the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 14, 2011.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick
Nelson S. Román, Justices.

-----X
Deborah Bush,
Petitioner-Appellant,

-against-

M-6054
Index No. 252101/09

Division of Human Rights,
Respondent,

Stevenson Commons Associates, L.P.,
Respondent-Respondent.
-----X

Petitioner-appellant having moved for reargument of the decision and order of this Court entered on November 16, 2010 (Appeal No. 3605), for leave to prosecute the appeal as a poor person, 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 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 14, 2011.

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

-----x
In the Matter of the Application of
Mayline Elizbeth Esposito,
Petitioner,

For an Order, etc.,

M-5127
Index No. 403150/09

-against-

New York City Housing Authority,
Respondent.

-----x

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 29, 2010,

And an order of this Court having been entered on September 28, 2010 (M-3477) dismissing the aforesaid proceeding for failure to timely perfect,

And petitioner having moved for vacatur of the aforesaid order of this Court entered September 28, 2010 (M-3477), reinstatement of said proceeding 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 and the interim order of a Justice of this Court entered October 14, 2010 is hereby 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 14, 2011.

PRESENT: Hon. James M. McGuire, Justice Presiding,
Rolando T. Acosta
Helen E. Freedman
Nelson S. Román, Justices.

-----X

John Kidd,
Plaintiff-Respondent,

-against-

M-434
Index No. 116964/08

Gene Epstein and Hisako Kobayashi,
Defendants-Appellants.

-----X

Plaintiff-respondent 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. 2672),

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 14, 2011.

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

-----X
Liliana Klinger,
Plaintiff-Appellant,

-against-

M-18
Index No. 570214/10

Phillips Perera, M.D.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the order of this Court entered on December 16, 2010 (M-5435),

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

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

BEFORE: Hon. Nelson S. Román
Justice of the Appellate Division

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

M-88
Ind. No. 4842/00

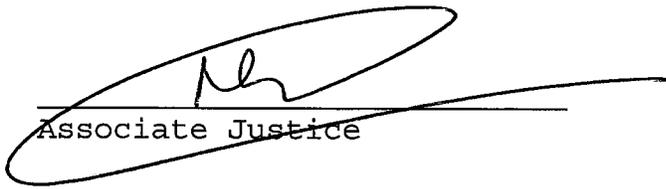
-against-

CERTIFICATE
DENYING LEAVE

Devon Millington,

Defendant.
-----X

I, Nelson S. Román, 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, rendered on or about November 22, 2010 is hereby denied.


Associate Justice

Dated:
New York, New York

ENTERED: APR 14 2011

PM ORDERS
ENTERED ON
APRIL 14, 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 14, 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-

M-5551A
Case No. 3200C/05

Dayshawn Jenkins,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about August 12, 2010, **denying resentence**, and from the order of said Court entered on or about September 28, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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. The order of this Court entered on December 28, 2010 (M-5551) is hereby recalled and vacated.

ENTER:


CLERK