

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 21, 2011.

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

-----X

Richard Stevens, et al.,
Plaintiffs-Respondents,

-against-

The City of New York,
Defendant,

M-1400
Index No. 109269/01

-and-

Boston Properties,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 2, 2006 (mot. seq. no. 005),

Now, upon reading and filing the stipulation of the parties hereto, dated March 21, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2011 Term, is withdrawn in accordance with the aforesaid stipulation.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 21, 2011.

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

-----X

Jason Uyioghosa,

Plaintiff-Respondent,

-against-

Francisco A. Jimenez-Herrera, et al.,

Defendants-Appellants.

M-1388
Index No. 308704/08

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 30, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed March 24, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2011 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2011.

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

-----X
Guadalupe Uraga Guzman, etc., et al.,
Plaintiffs-Respondents,

-against-

M-1391
Index No. 109874/08

Ascension Evangelical Lutheran
Church, Inc., et al.,
Defendants-Respondents.

-----X
Improvements By Design, LLC,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 590419/09

Joe Koenig Construction, Inc.,
Third-Party Defendant-Appellant,

-and-

Utica First Insurance Company,
Third-Party Defendant.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 12, 2010 and March 19, 2010 (mot. seq. nos. 001, 002), respectively,

Now, upon reading and filing the stipulation of the parties hereto, filed March 22, 2011, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the February 2011 Term, 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 21, 2011.

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

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

-against-

M-1377
Index No. 117962/06

Pir Z. Hassa, et al.,
Defendants-Appellants,

-and-

Hurricane Hacking Corp.,
Defendant.

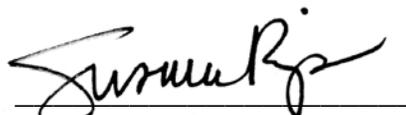
-----X
[and a Third-Party action]
-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated March 16, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 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 21, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
In the Matter of

Kennya S.,

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

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

M-4865A
Docket No. NN975/09

Kensader S.,
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 disposition of the Family Court, New York County, entered on or about May 7, 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, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, New York 11518, Telephone No. 516-887-8987, 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.** The order of this Court entered on December 9, 2010 (M-4865) is hereby recalled and vacated.

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 21, 2011.

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

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

Isabelita Gonzalez, Michael James,
Emadeldin Omar and Luise Trabucchi,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78
of the CPLR,

M-874
Index No. 400151/08

-against-

Division of Housing and Community
Renewal of the State of New York,
168-70 West 25th Street Associates
and Irving Ledereich,
Respondents-Respondents.

-----X

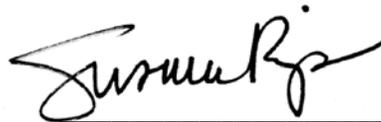
Petitioner-appellant Isabelita Gonzalez having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about May 6, 2010, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondents and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of Supreme Court, New York County, is directed to have transcribed the minutes of

the proceedings held therein, if any, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor and any other fees in connection therewith. The time in which to perfect the appeal is enlarged to the September 2011 Term.

ENTER:

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

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 21, 2011.

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

-----X

Steven Sarao, et al.,

Plaintiffs-Appellants,

-against-

Jeffrey S. Aronoff, M.D., et al.,

Defendants-Respondents.

M-836
Index No. 302587/07

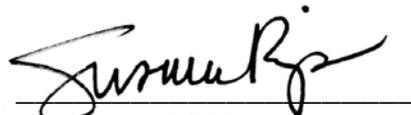
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 15, 2009,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2011.

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

-----x
In the Matter of the Application of
Peter Principe,

Petitioner-Respondent,

For an order Vacating a Decision of a
Hearing Officer Pursuant to § 3020-a(5)
of the Education Law and Article 75
of the CPLR,

M-921
Index No. 116031/09

-against-

New York City Department of Education,

Respondent-Appellant.
-----x

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 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 granted to the extent of enlarging the time in which to perfect the appeal to the September 2011 Term, with no further enlargements to be 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 21, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
James M. Catterson
Karla Moskowitz, Justices.

-----X
Steven Simkin,
Plaintiff-Appellant,

-against-

M-427
Index No. 101501/09

Laura Blank,
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 4, 2011 (Appeal No. 3016),

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

It is ordered that the motion is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court which reversed the order of Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

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 21, 2011.

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

-----X
In the Matter of the Application of
Vincent Solis,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

M-693
Index No. 117533/09

-against-

John B. Rhea, as Chairman of the New
York City Housing Authority, et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 12, 2010,

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the proceeding to on or before July 11, 2011 for 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 21, 2011.

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

-----X
Rosalie David and Steven David,
Plaintiffs-Respondents/
Cross-Appellants,

-against-

M-984
Index No. 570740/07

Mallilo & Grossman, Anthony Mallilo
and Francesco Pomara, Jr. and Peter
Gallanter,
Defendants-Appellants/
Cross-Respondents.

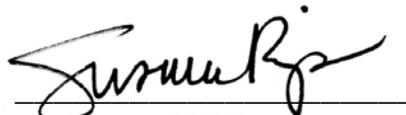
-----X

Defendants-appellants/cross-respondents 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 December 16, 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 21, 2011.

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

-----X

The People of the State of New York,
Appellant,

-against-

M-1076
Ind. No. 1200/06

Cesar Rios and 234 East 178th Street
LLC,

Defendants-Respondents.

-----X

An appeal having been taken by the People from the order of the Supreme Court, Bronx County, entered on or about February 23, 2010, and said appeal having been perfected,

And defendant-respondent Cesar Rios having moved for an order permitting him to proceed pro se and to file a pro se main brief on his own behalf in response to the People's 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 adjourning the appeal to the September 2011 Term of this Court and granting defendant-respondent Cesar Rios leave to proceed pro se or, if so advised, to move on notice for the assignment of appellate counsel. If representing himself, defendant-respondent is directed to serve and file 8 copies of a main respondent's brief on or before August 10, 2011 for said September 2011 Term.

ENTER:


CLERK

CORRECTED ORDER APRIL 25, 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 21, 2011.

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

-----X
Baxter Street Properties, LLC,

Petitioner-Landlord-Appellant,

-against-

M-244
Index No. 65067/07

Kimmy Lee,

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

Petitioner-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 September 1, 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 21, 2011.

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

-----X

J.T. Magen & Company, Inc.,

Plaintiff-Respondent,

-against-

Pennsylvania Lumbermens Mutual
Insurance Company,

Defendant-Appellant.

M-731
Index No. 111303/07

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 11, 2010,

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

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

ENTER:


CLERK

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 21, 2011.

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

-----X
Tamach Airport Manager, LLC,
Plaintiff-Appellant,

-against-

M-1256
Index No. 603817/08

HRC Fund III Pooling Domestic LLC,
Defendant-Respondent.

-----X
HRC Fund III Pooling Domestic LLC,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 590212/09

Tamach Real Estate Management, Inc.,
et al.,
Third Party Defendants-Appellants.

-----X

Plaintiffs/third-party defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 24, 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 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 21, 2011.

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

-----X
JPMorgan Chase Bank, N.A.,
Plaintiff-Respondent,

-against-

James G. Cheney,
Defendant-Appellant.

M-1055
Index No. 108009/09

-----X

Defendant-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 May 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 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 21, 2011.

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

-----X
Milagros Mantila, et al.,
Plaintiffs-Appellants,

-against-

Lutheran Medical Center, et al.,
Defendant-Respondents.

M-1070
M-1214
Index No. 104414/07

-----X

An appeal having been taken from the orders of the Supreme Court, New York County, entered on or about May 19, 2010 (mot. seq. nos. 006, 007),

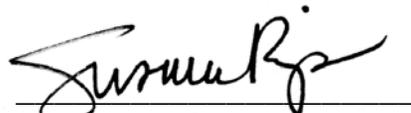
And plaintiffs-appellants having moved for an enlargement of time in which to perfect their appeal (M-1070),

And defendant-respondent having cross-moved for dismissal of the aforesaid appeal (M-1214),

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

It is ordered that the motion (M-1070) is granted to the extent of enlarging the time in which to perfect the appeal to the September 2011 Term. The cross motion (M-1214) to dismiss the appeal is granted unless the appeal is perfected for said 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 21, 2011.

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

-----X
Donald Cohen,
Plaintiff-Appellant,

-against-

New York University, New York
University School of Medicine
Foundation, Inc., New York
University Medical Center,
New York University Faculty
Practice Radiology,
Defendants-Respondents,

M-851
Index No. 113982/06

John Doe the unidentified owner
and/or operator of the MRI
equipment and Jane Doe, the
unidentified owner and/or
operator of the MRI equipment,
Defendants.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 21, 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 November 2011 Term.

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 21, 2011.

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

-----X
9th Street Restaurant, LLC,

Plaintiff-Respondent,

-against-

Penquin Tenants Corp.,

Defendant-Appellant.
-----X

M-1430
Index No. 103235/10

Defendant-appellant having moved for a stay pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 14, 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 21, 2011.

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

-----X

Petra Ortiz,
Plaintiff-Appellant,

-against-

M-844
Index No. 20216/07

Benycol Transportation Corp.,
Ramon Suero and Tawny Nunez,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from order of the Supreme Court, Bronx County, entered on or about April 6, 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 and the appeal is dismissed.

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 21, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Habib J.,

A Person Alleged to Be a Juvenile
Delinquent,

M-142A
Docket No. D-21011/10

Respondent-Appellant.
-----X

An appeal having been taken from an order of fact-finding and an order of disposition of the Family Court, Bronx County, entered on or about September 13, 2010 and December 9, 2010, respectively, and from a post-dispositional order entered on or about February 18, 2011,

And respondent-appellant having moved for leave to prosecute the appeal from the aforesaid orders 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 and pursuant to Section 35 of the Judiciary Law, Article 18b of the County Law and Section 1120 of the Family Court Act (1) George E. Reed, Jr., Esq., 222 Mamaroneck Ave., White Plains, New York 10605, Telephone No. 914-946-5000, is assigned 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 therefor¹; **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense

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

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) 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.** The order of this Court entered on March 15, 2011 (M-142) 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 21, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Roselyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

-against-

M-233
Ind. No. 2681/08

David Rivera,
Defendant-Appellant.

-----X

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

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

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

Defendant-appellant's time in which to perfect the appeal is hereby enlarged 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 21, 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-838
Ind. No. 2646N/09

Rogelio Aguasvivas Done,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 18, 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 notice of appeal as timely filed 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 21, 2011.

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

-----X
Hampson A. Sisler,
Plaintiff-Respondent,

-against-

M-1287
Index No. 109396/08

The City of New York, et al.,
Defendants,

Jacqueline Schnabel,
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 December 7, 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 21, 2011.

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

-----X
Alma Martinez,
Plaintiff-Appellant,

-against-

M-841
Index No. 18114/01

The City of New York,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about May 4, 2010,

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

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

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 21, 2011.

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

-----X
In the Matter of the Application of
Timothy Quinn,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1042
Index No. 111048/09

Raymond Kelly, as Police Commissioner
of the City of New York, and as
Chairman of the Board of Trustees
of the Police Pension Fund, Article II,
The Board of Trustees of the Police
Pension Fund, Article II, New York
City Police Department and The City
of New York,
Respondents-Respondent.

-----X
Petitioner-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 April 26, 2010,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Dianne T. Renwick
Helen E. Freedman
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

Kathryn Jordan,
Plaintiff-Respondent-Appellant,

-against-

Bates Advertising Holdings, Inc.,
formerly known as AC&R Advertising Inc.,
Defendant-Appellant-Respondent,

M-211
Index No. 118785/99

Bates Advertising Holdings (USA) Inc.,
Defendant.

Klein Zelman Rothermel LLP,
Non-Party Intervenor-Respondent.

-----X

Plaintiff-respondent-appellant having moved for reargument and/or reconsideration of the decision and order of this Court entered on December 27, 2007 (Appeal No. 2132),

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 21, 2011.

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

-----X

Kathleen Rice, etc., et al.,
Plaintiffs-Appellants,

-against-

West 37th Group, LLC, et al.,
Defendants-Respondents.

[And Other Actions]

- - - - -
Kathleen Rice, etc., et al.,
Plaintiffs-Respondents,

M-6143

Index Nos. 101207/05
590813/05
590592/08

-against-

West 37th Group, LLC, et al.,
Defendants-Appellants.

Cord Contracting Co., Inc.,
Defendant.

[And Other Actions]

-----X

Defendants West 37th Group, LLC and GJF Construction Corp., doing business as Builders Group, 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 November 16, 2010 (Appeal No. 3199-3200),

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 21, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Nelson S. Román, Justices.

-----X

Antoniae Barrett, an infant by her
Mother and Natural Guardian, Felina
Smith, and Felina Smith, Individually,
Plaintiffs-Appellants,

-against-

M-649
Index No. 23627/02

Daniel M. Lasser, M.D., and New York
Presbyterian Hospital,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about January 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 and the appeal is dismissed.

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 21, 2011.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-1237

Ind. No. 6140/07

Loren Mackie,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 22, 2007, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before July 11, 2011 for the September 2011 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding
David Friedman
James M. Catterson
Karla Moskowitz
Nelson S. Román, Justices.

-----X

Steven Rosenfeld, et al.,

Plaintiffs-Respondents,

-against-

M-1065

Index No. 600061/10

Renika Pty. Ltd., et al.,

Defendants-Appellants.

-----X

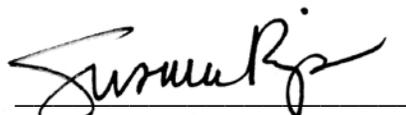
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 11, 2010,

And counsel for plaintiffs-respondents (Jared L. Kopel and Tonia Ouellette Klausner, of counsel) Wilson Sonsini Goodrich and Rosati, having moved for leave to withdraw as counsel of record,

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 withdraw as counsel is granted on condition counsel for plaintiffs-respondents serves a copy of this order upon all parties within 10 days of 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 21, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X

Laurence L. Leff, Ph.D., as Receiver,
Letters of Administration for the
Estate of Eve Lewis, decedent and
Laurence L. Leff, Ph.D., Individually,
Plaintiffs-Appellants,

M-927
Index No. 115952/08

-against-

TIAA-Creff Life Insurance Company,
Defendant-Respondent.

-----X

Plaintiff-appellant Laurance L. Leff Ph.D., 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 February 1, 2011 (Appeal No. 4167),

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 21, 2011.

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

-----X
In the Matter of

Imani O. and Zeta M.,

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

M-4202A
Docket No. NN23915/07
NN23916/07

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

Marcus O.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about May 12, 2010 and June 28, 2010, respectively, 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, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, 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.** (The order of this Court entered on November 18, 2010 [M-4202] is hereby recalled and vacated.)

ENTER:



CLERK

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

PM ORDERS
ENTERED ON
APRIL 21, 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 21, 2011.

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

-----X
Hudson Valley Federal Credit Union,
Plaintiff-Appellant,

-against-

New York State Department of Taxation
and Finance, et al.,
Defendants-Respondents.

M-1450
Index No. 106732/09

- - - - -
United States Attorney for the
Southern District of New York,
Amicus Curiae,

The National Association of Federal
Credit Unions (NAFCU),
Amicus Curiae.

-----X

An appeal having been taken to this Court by the above-named plaintiff from the order of the Supreme Court, New York County, entered on or about May 20, 2010, and said appeal having been perfected,

And the National Association of Federal Credit Unions (NAFCU) 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 the National Association of Federal Credit Unions (NAFCU) to file 9 copies of the brief as amicus curiae forthwith.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 21, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
David Friedman
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----x
Princess Point LLC, A New York limited
liability Company,
Plaintiff-Appellant,

-against-

M-1460
Index No. 601849/08

AKRF Engineering, P.C., et al.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about March 24, 2011,

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

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

It is ordered that the motion is denied.

ENTER:


CLERK