

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 August 4, 2011.

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

-----X

Sharon Rodas,

Plaintiff-Appellant,

-against-

M-2586X

Index No. 103560/08

The Estée Lauder Companies, Inc.,
et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 21, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 31, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



DEPUTY 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 August 4, 2011.

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

-----X

Horns, Inc., et al.,

Plaintiffs-Respondents,

-against-

M-2647X

Index No. 113883/05

Geller Marzano & Company CPA'S, P.C.,
et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 15, 2010 (mot. seq. no. 007),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 3, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



DEPUTY 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 August 4, 2011.

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

-----X

Thomas Donato,

Plaintiff-Respondent,

-against-

M-2656X

Index No. 8670/07

Aron D. Rovner, M.D., et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about June 10, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 6, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



DEPUTY 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 August 4, 2011.

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

-----X
CMF Cayman Ltd., et al.,
Plaintiffs-Appellants,

Merrill Lynch International,
Plaintiff,

-against-

M-2864
Index No. 603522/09

Heckler & Koch Beteiligungs GMBH,
et al.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 17, 2010 (mot. seq. nos. 002 & 003) and the judgment of said Court entered on or about August 30, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated June 17, 2011, and due deliberation having been had thereon,

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

ENTER:



DEPUTY 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 August 4, 2011.

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

-----X
Bank of America, N.A., as successor
by merger to LaSalle Bank N.A., etc.,
et al.,
Interpleader Plaintiffs-Respondents-
Respondents,

-against-

M-2671X

Index No. 600740/10

Prima Capital Advisors LLC,
Interpleader-Defendant-Appellant-
Respondent,

Oz Master Fund, Ltd., et al.,
Interpleader Defendants-Respondents-
Appellants,

-and-

Prima Capital Advisors LLC,
Interpleader Defendant and Interpleader
Counterclaim Plaintiff-Appellant-
Respondent,

-against-

Bank of America, N.A., as successor
by merger to LaSalle Bank N.A., etc.,
et al.,
Interpleader Counterclaim Defendants-
Respondents-Respondents,

-and-

Oz Master Fund, Ltd., et al.,
Interpleader Defendants and Interpleader
Counterclaim Plaintiffs,

-against-

Bank of America, N.A., as successor
by merger to LaSalle Bank N.A., etc.,
et al.,
Interpleader Plaintiff and Interpleader
Counterclaim Defendant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 12, 2010 (mot. seq. nos. 001 and 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 6, 2011, and due deliberation having been had thereon,

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

ENTER:



DEPUTY 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 August 4, 2011.

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

-----X
Kenneth T. York and Maria York,

Plaintiffs-Respondents-Appellants,

-against-

M-2790X
Index No. 109645/05

MS Harrison LLC, et al.,

Defendants,

Frank Compo, et al.,

Defendants-Appellants-Respondents.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 13, 2011, and due deliberation having been had thereon,

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

ENTER:



DEPUTY 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 August 4, 2011.

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

-----X
Pedro Febres and Vivian Cruz,
Plaintiffs-Respondents/Appellants,

-against-

M-2794X
Index No. 303570/07

Yaron Ziegel,
Defendant-Appellant,

Michael DePasquale and Michael
DePasquale Associates,
Defendants-Appellants,

Bank of America, et al.,
Defendants,

David Arabi, P.E. and A&P Engineering
& Land Surveying,
Defendants-Appellants/Respondents.

-----X

Separate appeals having been taken by defendant Yaron Ziegel and defendants Michael DePasquale and Michael DePasquale Associates from the order of the Supreme Court, Bronx County, entered on or about September 27, 2010,

And an appeal and cross appeal having been taken by defendants David Arabi, P.E. and A&P Engineering & Land Surveying and plaintiffs Pedro Febres and Vivian Cruz from the order of the Supreme Court, Bronx County, entered on or about January 18, 2011,

Now, after pre-argument conference and upon reading and filing the stipulations of the parties hereto, all "so ordered" June 13, 2011, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeal are withdrawn in accordance with the aforesaid stipulations.

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a horizontal line underneath it.

DEPUTY 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 August 4, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David B. Saxe
James M. Catterson
Rolando T. Acosta, Justices.

-----X
Joy Correge,
Plaintiff-Appellant,

-against-

M-5943
Index No. 114166/08

500 Fifth Avenue, Inc., formerly
known as 1472 Broadway, Inc., et al.,
Defendants-Respondents-Appellants,

Excel Security Corp.,
Defendant-Respondent.

- - - - -
(And a third-party action)
-----X

Defendant-respondent-respondent Excel Security Corp.
having moved for dismissal of the appeal taken from the order
of the Supreme Court, New York County, entered on or about
August 14, 2009 (mot. seq. no. 002), for failure to timely
perfect,

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:


DEPUTY 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 August 4, 2011.

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

-----X
In the Matter of the Application of
Brookford, LLC,
Petitioner-Appellant,

For a Judgment, etc.,

-against-

M-6142
Index No. 108882/08

New York State Division of
Housing and Community Renewal,
Respondent-Respondent,

-and-

Margaret Schuette Friedman,
Intervener-Respondent-Respondent.

-----X

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 13, 2009, and said appeal having been perfected,

And respondent-respondent DHCR having moved for an order remanding the matter back to DHCR for further proceedings, adjourning the aforesaid appeal, 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 dismissing the instant appeal and remanding the matter back to DHCR for further proceedings, and the motion is otherwise denied, without prejudice to subsequent proceedings in Supreme Court.

ENTER:



DEPUTY CLERK

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. The order of this Court entered on June 14, 2011 (M-1590), is hereby recalled and vacated.

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 August 4, 2011.

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

-----X

In re Barbara Demeri,

Petitioner,

-against-

M-2312
Index No. 102087/11

Hon. Sara Lee Evans,

Respondent.

-----X

Petitioner having moved for reargument of the decision and order of this Court entered on April 12, 2011 (Appeal No. 4774),

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:



DEPUTY 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 August 4, 2011.

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

-----X
Marie Spiconardi, et al.,

Plaintiffs-Respondents,

-against-

M-2254
Index No. 100470/05

Macy's East, Inc., et al.,

Defendants-Appellants.
-----X

Plaintiffs-respondents 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 April 12, 2011 (Appeal No. 4766),

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:



DEPUTY 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 August 4, 2011.

Present: Hon. Peter Tom, Justice Presiding,
James M. Catterson
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Maribel Nieves,
Plaintiff-Appellant,

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

M-4664
M-2418
Index No. 402470/09

-against-

New York City Housing Authority,
Defendant-Respondent.

-----X

Plaintiff-appellant 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 July 12, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for a stay of eviction, and for related relief (M-4664),

And defendant-respondent having cross-moved to dismiss the aforesaid appeal (M-2418),

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 defendant-respondent's cross motion is granted and the appeal is dismissed (M-2418). Plaintiff-appellant's motion is denied as academic (M-4664). The interim relief granted by an order of a Justice of this Court dated April 15, 2011 is vacated.

ENTER:



DEPUTY 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 August 4, 2011.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

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

Edwin Lopez,
Petitioner-Appellant,

M-1944A
Index No. 251269/10

For a Judgment, etc.,

-against-

Andrea Evans, Chairwoman of the
New York State Division of Parole,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 4, 2011,

And petitioner-appellant having moved for leave to prosecute the appeal as a poor person, upon the original record and reproduced petitioner's brief, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner-appellant serves one copy of such brief upon the attorney for the respondent-respondent and files 8 copies of such brief, together with the original record, with this Court. Petitioner-appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record, and it is further

Ordered that Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned for purposes of prosecuting the appeal on petitioner-appellant's behalf. The order of this Court entered on July 7, 2011 (M-1944) is hereby recalled and vacated.

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck", written over a horizontal line.

DEPUTY 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 August 4, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Rosa Soriano, Individually and as
Administratrix of the Estate of
Luis Enrique Soriano, Deceased,
Plaintiff-Respondent,

-against-

M-2572
Index No. 6571/06

New York City Transit Authority,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, Bronx County, entered on or about July 30, 2010,

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

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

ENTER:



DEPUTY 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 August 4, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Application of
David D.,
Petitioner-Respondent,

SEALED

to appoint a guardian for Lea D.,
also known as Claire H., also
known as Claire D.,

M-1927
M-2072
M-2089
Index No. 500065/09

An Alleged Incapacitated Person,
Respondent-Appellant.
-----X

Petitioner-respondent having moved for an enlargement of time in which to perfect the appeals from orders of the Supreme Court, New York County, entered on or about December 16, 2009 and April 21, 2010, respectively (mot. seq. no. 004) [M-1927/M-2072],

And respondent-appellant having cross-moved to dismiss the aforesaid appeals [M-2089],

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

It is ordered that the motions for an enlargement of time in which to perfect the aforesaid appeals are denied [M-1927/M-2072]. The cross motion is granted to the extent of dismissing the aforesaid appeals without prejudice to any appeal under Index No. 500155/10.

ENTER:



DEPUTY 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 August 4, 2011.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Benjamin L. Anderson, etc.,
Plaintiff-Appellant,

-against-

M-2648
Index No. 600126/09

Carl P. Belke, et al.,
Defendants-Respondents.

-----X
Benjamin L. Anderson, etc.,
Plaintiff-Appellant,

Index No. 602210/08

-against-

Eugene H. Blabey, II, et al.,
Defendants-Respondents.

-----X

An order of this Court having been entered on March 24, 2011 (M-642), denying plaintiff-appellant leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 13, 2011 (Appeal No. 4054N),

And plaintiff-appellant having renewed his motion for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court entered on January 13, 2011 (Appeal No. 4054N),

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:



DEPUTY 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 August 4, 2011.

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

-----X
Il Cambio, Inc., etc., et al.,

Plaintiffs-Appellants,

-against-

M-1734

Index No. 105030/06

U.S. Fidelity and Guaranty Company,
et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for reargument and reconsideration of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 29, 2011 (Appeal No. 4647),

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:



DEPUTY 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 August 4, 2011.

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

-----X
Richard Djeddah,
Plaintiff,

M-2542

Rachel Djeddah,
Plaintiff-Respondent,

Index No. 111319/95

-against-

Daniel Turk Williams,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 26, 2011 (Appeal No. 4898),

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:



DEPUTY 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 August 4, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David Friedman
James M. Catterson, Justices.

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

Respondent,

-against-

M-465
Ind. No. 6488/03

Rodney David,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on February 9, 2010 (Appeal No. 2123), unanimously affirming the judgment of the Supreme Court, New York County (Ronald A. Zweibel, J.), rendered on September 19, 2005,

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:



DEPUTY 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 August 4, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-6073
Ind. No. 1080/05

Derron Stephens,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on June 28, 2007 (Appeal No. 1462-1463), unanimously affirming the judgment of the Supreme Court, New York County (Joan Sudolnik, J., at suppression hearing, Bruce Allen, J., at jury trial and sentence), rendered on August 4, 2005,

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:



DEPUTY CLERK

CORRECTED ORDER - SEPTEMBER 26, 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 August 4, 2011.

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

-----X
Roxborough Apartments Corp.,
Landlord-Respondent,

-against-

M-1563A
Index No. 570667/08

Shira Kalish,
Tenant-Appellant,

-and-

Bradley Kalish,
Subtenant-Appellant.

-----X

Appellants 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 October 5, 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. The order of this Court entered on June 23, 2011 (M-1563) is recalled and vacated.

ENTER:



DEPUTY 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 August 4, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Mahmoud Issa,
Plaintiff-Appellant,

-against-

American Dental Center, Daniel
Farkash, D.D.S., et al.,
Defendants-Respondents,

Veronica Mathis, D.D.S., et al.,
Defendants.

-----X
Jules V. Lane, D.D.S., doing
business as American Dental Centers,
sued herein as American Dental
Centers,
Third-Party Plaintiff-Respondent,

-against-

Veronica Mathis, D.M.D., et al.,
Third-Party Defendants.

-----X

M-2217
M-2608
Index No. 22856/01

Third-Party
Index No. 83402/03

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 8, 2010,

And defendant-respondent, Daniel Farkash, D.D.S., having moved for dismissal of the aforesaid appeal (M-2217),

And third-party plaintiff-respondent having moved for the same relief (M-2608),

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 and the appeal is dismissed.

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a horizontal line underneath it.

DEPUTY 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 August 4, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Madeline Marinez,

Plaintiff-Appellant,

M-2477

Index No. 307050/08

-against-

Joday Co., L.L.C.,

Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 29, 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:



DEPUTY 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 August 4, 2011.

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

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

Respondent,

-against-

M-2853

Ind. No. 11600/92

Antonio Duran,

Defendant-Appellant.
-----X

Respondent the People having moved for dismissal of the purported appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 23, 1993,

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:



DEPUTY 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 August 4, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Karlin Vista Verde, LLC,
Plaintiff-Respondent,

-against-

M-2596
Index No. 103006/10

Izzy Ashkenasy, et al.,
Defendants-Appellants.
-----X

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 August 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 December 2011 Term.

ENTER:



DEPUTY 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 August 4, 2011.

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

-----X
1894 Eastchester Road Corp.,
Plaintiff-Appellant,

-against-

1894 East LLC, et al.,
Respondents-Respondents.

M-2386
Index No. 380187/10

-----X

Plaintiff-appellant 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 8, 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 December 2011 Term.

ENTER:



DEPUTY 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 August 4, 2011.

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

-----X

Louis Best,

Plaintiff-Appellant,

-against-

M-2707

Index No. 108092/07

Lesley D. Webster and Toyota Scion,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 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 granted to the extent of enlarging the time in which to perfect the appeal to the December 2011 Term.

ENTER:



DEPUTY 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 August 4, 2011.

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

-----X
Ludlow 168 LLC,
Plaintiff-Respondent,

-against-

M-2829
Index No. 116479/09

Virgil Lau,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the of the Supreme Court, New York County, entered on or about October 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 December 2011 Term.

ENTER:



DEPUTY 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 August 4, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----x
Heyddi Suazo,
Plaintiff-Respondent,

-against-

M-2783
Index No. 20219/07

Edward F. Brown,
Defendant,

-and-

Mitzy Transportation, Inc., et al.,
Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about April 20, 2011,

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

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

It is ordered that the motion is granted.

ENTER:



DEPUTY 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 August 4, 2011.

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

-----X

Elizabeth Maidman,

Plaintiff,

-against-

M-2755

Index No. 304398/10

Gregory Maidman,

Defendant.

-----X

A Justice of the Supreme Court, New York County, having issued an order dated June 2, 2011, declining to sign an order show cause,

And defendant-appellant having moved, pursuant to CPLR 5704(a), for affirmative relief denied by the aforesaid order, 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:



DEPUTY 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 August 4, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-342
Ind. No. 1495/05

Ai Jiang,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on May 14, 2009 (Appeal No. 570), unanimously affirming the judgment of the Supreme Court, New York County (Rena K. Uviller, J., on consolidation motion, William A. Wetzels, J., at jury trial and sentence), rendered on July 31, 2006,

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:



DEPUTY 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 August 4, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta, Justices.

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

Respondent,

-against-

M-4400

Ind. No. 6419/98

Waverly Allaway,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 18, 2002 (Appeal No. 770), unanimously affirming the judgment of the Supreme Court, Bronx County (Denis Boyle, J.), rendered on December 4, 2000,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:



DEPUTY 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 August 4, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Dianne T. Renwick
Nelson S. Román, Justices.

-----X

In the Matter of

Jeffrey M.,

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

M-2382

Docket No. NN24484/10

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

Naomi C.,
Respondent-Respondent.

- - - - -
Steven N. Feinman, Esq.,
Attorney for the Child.

-----X

David Eskin, Esq., Family Court attorney for the subject child, having moved on the child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about March 31, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York, Telephone No. (914) 949-8214, as counsel for purposes of responding to the

appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck", is written over a horizontal line.

DEPUTY 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 August 4, 2011.

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

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

- - - - -
Sandra C., M-1946
Petitioner-Appellant. Docket No. V15314-07/10B

-against-

Enrique M.,
Respondent-Respondent.

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

-----X

Petitioner-appellant mother 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 March 25, 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, 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.** (See M-1878, decided simultaneously herewith.)

ENTER:



DEPUTY 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 August 4, 2011.

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

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

- - - - -
Sandra C., **M-1878**
Petitioner-Appellant, Docket Nos. V15134-07/10B

-against-

Enrique M.,
Respondent-Respondent.

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

-----X

Respondent-respondent father having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, New York County, entered on or about March 25, 2011, for the 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, Louise Belulovich, Esq., 411 East 57th Street, #14C, New York, NY 10022, Telephone No. (212) 421-6113, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced

respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 10 copies thereof are filed with this Court. (See M-1946, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck". The signature is written in a cursive style with a horizontal line underneath it.

DEPUTY 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 August 4, 2011.

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

-----X
22 CPS Owner, LLC,

Plaintiff-Respondent,

-against-

M-2377

Index No. 109748/09

Jason D. Carter, etc., et al.,
Defendants-Appellants,

22 House, LLC, et al.,
Defendants.

-----X

Defendants-appellants Jason D. Carter and Julia Carter 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 May 5, 2011 (Appeal No. 4034), 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:



DEPUTY 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 August 4, 2011.

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

-----X
3720 Homes, Inc.,

Petitioner-Landlord-Respondent,

-against-

M-930
Index No. 570188/09

Murray Hyman and Rita Hyman,

Respondents-Tenants-Appellants.

-----X

Respondents-tenants-appellants 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 January 4, 2011, for a stay of all proceedings, including trial, pending hearing and determination of the appeal, and for related relief,

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

It is ordered that the motion is denied in its entirety, and the interim relief granted by a Justice of this Court on March 1, 2011 is vacated.

ENTER:



DEPUTY 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 August 4, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Karla Moskowitz
Helen E. Freedman, Justices.

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

Respondent,

-against-

Ronald Fishon,

Defendant-Appellant.
-----X

M-5690
Ind. Nos. 3631/05
2422/06

A decision and order of this Court having been entered on January 31, 2008 (Appeal Nos. 2640, 2641-2641A), unanimously affirming the judgment of the Supreme Court, New York County (William A. Wetzel, J.) rendered on August 7, 2006, and a judgment of the same Court, (Edwin Torres, J., at trial; William A. Wetzel, J., at sentence), rendered on November 27, 2006, and a judgment of the same Court (William A. Wetzel, J.) rendered on November 27, 2006,

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:



DEPUTY 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 August 4, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Federal Insurance Company, etc.,
Plaintiff-Respondent,

-against-

M-2668
Index No. 603926/05

North American Specialty Insurance
Company, et al.,
Defendants-Appellants,

-and-

Bruce A. Bendix, et al.,
Defendants.

-----X

Plaintiffs-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 5, 2011 (Appeal No. 1985),

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:



DEPUTY 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 August 4, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
New Media Holding Company LLC,
Plaintiff-Respondent,

-against-

Kinstantin Kagalovsky, et al.,
Defendants-Appellants,

M-2316

M-2427

-and-

Index No. 603742/09E

Konstantin Kagalowsky and Iota LP,
Defendants-Counterclaim Plaintiffs-
Appellants,

-against-

Vladimir Gusinski, et al.,
Counterclaim Defendants.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 27, 2010 and from the order and judgment (one paper) of said Court entered on or about February 15, 2011, respectively,

And defendants-appellants, Aspida Ventures Ltd. and Seragill Holdings Ltd., having moved for an order enlarging the time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 27, 2010 (M-2316),

And plaintiff-respondent having cross-moved to dismiss, or in the alternative, to consolidate the aforesaid appeals (M-2427),

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 and cross motion are granted to the extent of consolidating the aforesaid appeals and enlarging the time in which to perfect the consolidated appeals to the December 2011 Term. Appellants are permitted to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals (M-2316/M-2427).

ENTER:

A handwritten signature in black ink, appearing to read "Eric Schuck", is written over a horizontal line.

DEPUTY 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 August 4, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-2429

Ind. No. 5560/08

Ancelmo Biscain,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about August 12, 2009, and said appeal having been perfected,

And defendant's current retained counsel, Flamhaft Levy Hirsch & Rendeiro LLP (Harold L. Levy, Esq. Of counsel), having moved to represent defendant on his appeal and to relieve former retained counsel, Michael S. Washor, Esq. and Nicholas Pinto, Esq.,

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, retained counsel is substituted, and the appellant's brief filed by Michael S. Washor, Esq., on May 17, 2011 is deemed withdrawn. The time in which new retained counsel may file a substituted appellant's brief is enlarged to September 6, 2011 for the November 2011 Term, to which Term the appeal is adjourned.

ENTER:



DEPUTY 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 August 4, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Appellant,

-against-

M-3002

Ind. No. 2052/00

Angel Citron,

Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from an order of the Supreme Court, Bronx County, entered on or about May 26, 2010, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of (1) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the District Attorney of said County and 10 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal. Sua sante, the appeal is adjourned to the December 2011 Term.

ENTER:



DEPUTY 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 August 4, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----x

Susan Huo,

Plaintiff-Appellant,

-against-

M-3026

Index No. 107111/11

Mei Ying Huo and Fang Po Huo,

Defendants-Respondents.

-----x

Plaintiff-appellant having moved, pursuant to CPLR 5704, for affirmative relief having been denied by an order of a Justice of the Supreme Court on June 30, 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, without prejudice to further proceedings in Supreme Court.

ENTER:



DEPUTY 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 August 4, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
L&R Exploration Venture, et al.,
Petitioners-Respondents,

-against-

M-2876
Index No. 101646/02

Jack J. Grynberg,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 20, 2011,

And respondent-appellant having moved for a stay of so much of the aforesaid order of the Supreme Court which directed a hearing on expenses and attorney's fees 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 respondent-appellant perfects the appeal on or before October 3, 2011 for the December 2011 Term.

ENTER:



DEPUTY 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 August 4, 2011.

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

-----X

Pearl Williams-Smith,

Plaintiff-Appellant,

-against-

MTA New York City Transit,

Defendant-Respondent.

-----X

M-1635

Index No. 402906/08

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 10, 2011 (Appeal No. 4502),

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:



DEPUTY 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 August 4, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----x

Susan Huo,

Plaintiff-Appellant,

-against-

M-3026

Index No. 107111/11

Mei Ying Huo and Fang Po Huo,

Defendants-Respondents.

-----x

Plaintiff-appellant having moved, pursuant to CPLR 5704, for affirmative relief having been denied by an order of a Justice of the Supreme Court on June 30, 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, without prejudice to further proceedings in Supreme Court.

ENTER:



DEPUTY 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 August 4, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

-against-

M-2208
Ind. No. 4792/94

Darrell Clinton,

Defendant.

-----x

Defendant pro se having moved for an extension of time to file a notice of appeal from an order of the Supreme Court, New York County, entered on or about August 20, 2010, 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 only to the extent of granting defendant leave to move, if so advised, pursuant to CPL 460.15, for a certificate granting leave to appeal from said order, on or before September 1, 2011.

ENTER:



DEPUTY 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 August 4, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Roselyn H. Richter, Justices.

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

Respondent,

-against-

M-5689

Ind. No. 2058/05

Calvin Chan,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 16, 2009 (Appeal No. 812), unanimously affirming the judgment of the Supreme Court, New York County (Rena K. Uviller, J.), rendered on September 19, 2007,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:



DEPUTY 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 August 4, 2011.

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

-----X

In the Matter of the Application of

Ryan Elwell,
Petitioner-Respondent,

M-2543
Index No. 260050/10

From a Judgment, etc.,

-against-

State University of New York Maritime
College,
Respondent-Appellant.

-----X

Respondent-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 June 9, 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 and the appeal is dismissed.

ENTER:



DEPUTY CLERK

PM ORDERS
ENTERED ON
AUGUST 4, 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 August 4, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Jane Wheeler,

Plaintiff,

-against-

Robert Wheeler,

Defendant.
-----X

M-3012
Index No. 300662/08

Defendant having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about June 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:



DEPUTY 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 August 4, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----x
Atlantic Aviation Investments, Inc.,
Plaintiff-Respondent,

-against-

M-3298
Index No. 602286/09

Matlin Patterson Global Advisers LLC,
et al.,
Defendants-Appellants.

- - - - -
(and a third-party action)

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 5, 2011, and said appeal having been perfected,

And plaintiff-respondent having moved for adjournment 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 to the extent of adjourning the appeal to the November 2011 Term.

ENTER:



DEPUTY CLERK