

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 February 3, 2011.

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

-----X  
Fisk Building Associates LLC,

Plaintiff-Respondent,

-against-

M-48X  
Index No. 108647/08

Shimazaki II, Inc., et al.,

Defendants-Appellants.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 4, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2011.

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

-----X  
Geraldine Mayerman,  
Plaintiff-Appellant,

-against-

M-93X  
Index No. 112855/07

Perkins Eastman Architects,  
P.C., et al.,  
Defendants-Respondents,

-and-

D.H.I. Construction Services,  
Inc., et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 13, 2010 (mot. seq. no. 005),

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2011.

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

-----X  
Caryn O'Mara,  
Plaintiff-Respondent,

-against-

M-166X  
Index No. 115245/08

Vidal Alzate, et al.,  
Defendants,

East Coast Executive Car & Limousine,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 16, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 12, 2011, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2011.

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

-----X  
Pertech Bermuda Holdings Ltd., etc.,

Plaintiff-Respondent,

-against-

M-6293X  
Index No. 603370/08

Laminex Inc., et al.,

Defendants-Appellants.

- - - - -  
[ And Another Action]

-----X  
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 14, 2010 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 23, 2010, and due deliberation having been had thereon,

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

E N T E R:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2011.

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

-----X

In the Matter of

Sekou E.,

M-6297

A Child Under Twenty-One Years  
of Age Voluntarily Placed By

Docket No. L-10026/07

Ruth C.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about February 22, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed December 20, 2010, and due deliberation having been had thereon,

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

E N T E R:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2011.

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

-----X  
In the Matter of

Jassan Teeshi A.,

M-5930

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

Docket No. NN14638/07

-----  
Cardinal McCloskey Services, et al.,  
Petitioners-Respondents,

Jason T. A.,  
Respondent-Appellant.

-----  
Steven Banks, Esq.,  
Attorney for the Child.

-----X  
In the Matter of

Jassan Teeshi A.,

Docket No. B8986/08

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

-----  
Cardinal McCloskey Services, et al.,  
Petitioners-Respondents,

Jason T. A.,  
Respondent-Appellant.

-----  
Steven Banks, Esq.,  
Attorney for the Child.

-----X

Appeals having been taken from orders of the Family Court, New York County, entered on or about April 9, 2010 (Docket No. NN14638/07) and on or about September 29, 2010 (Docket No. B8986/08),

Now, upon reading and filing the stipulations of the parties hereto, filed November 29, 2010 (Docket No. NN14638/07) and November 30, 2010 (Docket No. B8986/08), respectively, and due deliberation having been had thereon,

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

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 February 3, 2011.

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

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

Respondent,

-against-

M-120  
Ind. No. 3500/09

Donald Cameron,

Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 22, 2009,

Now, upon reading and filing the stipulation of the parties hereto, filed January 7, 2011, and due deliberation having been had thereon,

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

E N T E R:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
Nicholas Georgiou,  
Plaintiff-Respondent,

-against-

M-6316

Index No. 8095/05

32-42 Broadway LLC, et al.,  
Defendants,

Colgate Scaffolding & Equipment Corp.  
and Colgate Scaffolding Corp.,  
Defendants-Appellants.  
-----X

Defendants-appellants 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, Bronx County, entered on or about October 2, 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.

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 February 3, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
Michael Mulgrew, as President of the  
United Federation of Teachers,  
Local 2, et al.,  
Petitioners-Respondents,

-against-

M-231  
Index No. 260000/10

Board of Education of the City School  
District of the City of New York,  
et al.,  
Respondents-Appellants.

-----X

An appeal having been taken to this Court by the above-named municipal respondents from the order of the Supreme Court, Bronx County, entered on or about July 29, 2010, and said appeal having been perfected,

And proposed amicus curiae, The State Department of Education, 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 granting movant leave to submit an amicus curiae brief. The Clerk of the Court is directed to accept for filing the briefs submitted with the aforesaid motion.

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 February 3, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5610  
Ind. No. 770/08

Sean Baker,  
Defendant-Appellant.

-----X

An order of this Court having been entered on July 27, 2010 (M-3227) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 12, 2010,

And assigned counsel, Robert S. Dean, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212) 402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2011.

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

-----X  
George Aldrich, et al.,  
Plaintiffs-Appellants,

-against-

M-6317  
Index No. 605336/99

Marsh & McLennan 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 May 21, 2010 (mot. seq. no. 021),

And an order of this Court having been entered on October 21, 2010 (M-4179) granting plaintiffs' an enlargement of time in which to perfect the aforesaid appeal to the March 2011 Term, *motion for*

And plaintiff-appellant Edith Anthoine on behalf of herself and other plaintiffs, having moved for a further enlargement of time in which to perfect said appeal to the June 2011 Term,

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 on or before March 21, 2011 for the June 2011 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that defendants-respondents serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:

*Susan Rojas*  
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 February 3, 2011.

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

-----X  
Melissa Feldman, as Administratrix  
of The Estate of Lori Feldman,  
Deceased,  
Plaintiffs-Appellants,

-against-

M-5992  
Index No. 103962/07

Susan M. Levine MD,  
Defendant-Respondent.  
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about May 13, 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 on or before March 21, 2011 for the June 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 February 3, 2011.

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

-----X  
In the Matter of

Keina Shaivia P.,  
also known as Keiana P.,  
Keyevon Justice P.  
also known as, Keyevon P. and  
Zuentin Rahaan P.,  
also known as Zuentin P.,

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

-----  
Graham-Windham Services to Families and Children, et al.,

Petitioners-Respondents,

M-6211  
Docket Nos. B8900-2/08

Lativia Denice P.,  
also known as, Lativia D. P.,  
Also known as, Lativia P.,

Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about November 1, 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, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite No. 34, New York, New York 10031, Telephone No. (347) 645-6660, 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 therefor<sup>1</sup> 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.

E N T E R:

  
CLERK

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<sup>1</sup>Service 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 February 3, 2011.

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

-----X

In the Matter of

Juliana Victoria S.,

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

-----  
Jewish Child Care Association of New York, et al.,  
Petitioners-Respondents,

M-6197  
Docket No. B14326/09

Benny William W.,  
Respondent-Appellant.

-----  
Betsy Kramer, Esq.,  
Lawyers for Children, Inc.,  
Attorney for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about November 12, 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, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite No. 34, New York, New York 10031, Telephone No. (347) 645-6660, 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 therefor<sup>1</sup> 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.

E N T E R:

  
CLERK

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<sup>1</sup>Service 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 February 3, 2011

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
James M. McGuire  
Sallie Manzanet-Daniels, Justices.

-----X  
Brad H., et al.,  
Plaintiffs-Respondents,

-against-

M-77  
Index No. 117882/99

The City of New York, et al.,  
Defendants-Appellants.  
-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 10, 2010 (Appeal No. 1811N),

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 the 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 February 3, 2011.

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

-----X  
In the Matter of

Omar S. J.,  
Keoni Daquan A.,  
Branelle A. W.,  
Omarion A., and  
Baby Boy A.,

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

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

Brandon W.,  
Respondent-Appellant,

-and-

April A.,  
Respondent.

- - - - -  
D. Morgan Burkett, Esq., Lawyers for Children,  
Attorney for Children  
Omar S. J., Branelle A. W.,  
Omarion A. and Baby Boy A.,

Michael David Scherz, Esq., Lawyers for Children  
Attorney for Child,  
Keoni Daquan A.

M-5711  
Docket Nos. NN-19445-10  
NN-19446-10  
NN-19447-10  
NN-19448-10  
NN-19784-10

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, entered on or about August 17, 2010 and October 18, 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, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> 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.

E N T E R:

  
CLERK

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<sup>1</sup>Service 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 February 3, 2011.

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Application of  
Brad Rim,  
Petitioner-Appellant,

For a Judgment pursuant to Article 78 M-6270  
of the CPLR, Index No. 118248/09

-against-

State of New York, et al.,  
Respondents-Respondents.  
-----X

Respondents-respondents having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, entered on or about August 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 granted unless the appeal is perfected for the June 2011 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent(s) serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
James M. McGuire  
Rolando T. Acosta  
Diane T. Renwick  
Helen E. Freedman, Justices.

-----X  
In re Darwin Bruce,  
Petitioner,

-against-

M-5981  
Index No. 103507/09

New York City Housing Authority,  
et al.,  
Respondents.

-----X

Petitioner having moved for 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 November 4, 2010 (Appeal No. 3539), and for other relief,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2011.

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

-----X  
In the Matter of

Omari W.,

A Person Alleged to Be a Juvenile  
Delinquent,

M-5792  
Docket No. D19403/10

Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute the appeal from the order of the Family Court, Bronx County, entered on or about October 27, 2010, 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) Lisa H. Blitman, Esq., 225 Broadway, New York, New York 10007, Telephone No. (212) 724-2792, 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 therefor<sup>1</sup>; 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 in compliance with Rule 600.11 of the Rules of this Court of this order; and (4) directing appellant to perfect this appeal 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.

E N T E R:

  
CLERK

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<sup>1</sup>Service 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 February 3, 2011.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X  
West 86<sup>th</sup> Capital LLC, as Assignee of  
Petra Cre CDO 2007-1, Ltd., by and  
Through Petra Capital Servicer LLC,  
as Special Servicer,  
Plaintiffs-Respondents,

-against-

M-6193  
Index No. 600701/09

Yuppie Puppy Pet Care, Inc., et al.,  
Defendants-Appellants,

-and-

Street Smart Realty LLC, doing business  
as Street Smart Realty of NY, et al.,  
Defendants.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 27, 2010,

And plaintiffs-respondents having moved to dismiss the aforesaid appeal, or 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 dismissing the appeal unless perfected on or before March 21, 2011 for the June 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 February 3, 2011.

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

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

-against-

M-6088  
Ind. No. 4570/09

George Moore,  
Defendant-Appellant.

-----X

An order of this Court having been entered on September 7, 2010 (M-3665), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 18, 2010,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, 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 such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2011.

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

-----X

The People of the State of New York,  
  
Respondent,

-against-

M-6165  
Ind. No. 5296/07

William Jones,

Defendant-Appellant.

-----X

An order of this Court having been entered on November 4, 2010 (M-4458), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 14, 2008,

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

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before March 21, 2011, for the June 2011 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned, and that no further extensions will be granted.

E N T E R:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Babak Sadeghi,  
Plaintiff-Appellant,

-against-

M-5740  
Index No. 107194/07

Century Auto Leasing Corp. et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 22, 2010, 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:

  
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 February 3, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Diane T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
The People of the State of New York  
ex rel. Phillip Taylor, also known  
as Phillip A. Taylor,  
Petitioner-Appellant,

M-5835  
Index No. 250690/10

-against-

Warden, Vernon C. Bain Center,  
et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, entered on or about August 3, 2010, which dismissed a habeas corpus proceeding, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, 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 denied, without prejudice to renewal upon proper demonstration that a notice of appeal was timely filed (CPLR 5513).

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 February 3, 2011.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
D&R Global Selections, S.L.,  
Plaintiff-Respondent, M-5629  
-against- M-5404  
M-5818  
Index No. 603732/07  
Bodega Olegario Falcon Piñeiro,  
Defendant-Appellant.  
-----X

Appeals having taken from the judgment of the Supreme Court, New York County, entered on or about June 4, 2008 and the order of said Court entered on or about November 12, 2009, respectively,

And an order of this Court having been entered August 17, 2010 (M-3323) consolidating the aforesaid appeals and granting a stay of enforcement of the judgment on condition said consolidated appeals are perfected for the December 2010 Term,

And defendant-appellant having moved (M-5629) for an enlargement of time in which to perfect the consolidated appeals,

And plaintiff-respondent having moved (M-5404) to dismiss the aforesaid consolidated appeals for failure to timely perfect,

And plaintiff-respondent having separately moved (M-5818) for an additional undertaking,

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

It is ordered that the motion (M-5629) is granted to the extent of enlarging the time in which to perfect the consolidated appeals to on or before March 21, 2011, for the June 2011 Term, with no further enlargements to be granted. The motion to dismiss (M-5404) is granted unless the consolidated appeals are so perfected for the June 2011 Term. The stay previously granted is continued on condition the appeal is so perfected. Upon failure to so perfect, an order vacating the stay and/or dismissing the consolidated appeals may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof. The motion (M-5818) for an additional undertaking 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 February 3, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

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

-against- M-5622  
Ind. No. 4242/98

Roger M. Thomas, also known as Roger  
Moore Thomas,  
Defendant-Appellant.

-----X

An order of this Court having been entered on June 3, 2010 (M-179) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 2, 2009,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2011.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices,

-----X  
PT Kertas Nusantara, etc.,  
Petitioner-Appellant,

-against-

M-6080  
Index No. 603190/09

Ekman & Co., A.B.,  
Respondent-Respondent.  
-----X

An appeal having been taken to this Court by petitioner-appellant from an order of the Supreme Court, New York County, entered on or about March 10, 2010,

And an order of this Court having been entered August 17, 2010 (M-3098) denying retained counsel's motion to be relieved as petitioner-appellant's counsel, with leave to renew, upon demonstration of service of certain moving papers upon petitioner-appellant and the attorneys for respondent-respondent,

And retained counsel, Richard A. Cirillo, Esq., having renewed his motion to be relieved as petitioner-appellant's 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; retained counsel, Richard A. Cirillo, Esq. and his law firm are deemed withdrawn as appellate counsel for petitioner-appellant.

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 February 3, 2011.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
In the Matter of

Emily Rosio G.,

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

-----  
The Children's Aid Society, et al.,  
Petitioners-Respondents,

M-5759  
Docket No. B16152/08

Milagros G.,  
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about October 15, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 117911, Telephone No. (516) 921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on

appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> 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.

E N T E R:

  
CLERK

---

<sup>1</sup>Service 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 February 3, 2011.

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

-----X

In the Matter of the Application of

Melvin Peters,  
Petitioner,

M-5918  
Ind. No. 76/10

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

Hon. Gregory Carro, et al.,  
Respondents.

-----X

Petitioner having moved for relief pursuant to CPLR Article 78 in the nature of mandamus or prohibition against the Honorable Gregory Carro, Supreme Court, New York County, in connection with his decision dated on or about October 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 and the proceeding 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 February 3, 2011.

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

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

Gwendolyn London-Jones and Larry  
Jones,  
Petitioners,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-5883  
Index No. 113310/09

-against-

New York City Housing Authority,  
Respondent.  
-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about February 19, 2010,

And petitioner having moved to dismiss the aforesaid proceeding for failure to timely prosecute,

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 proceeding 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 February 3, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
General Trading Co., Inc.,  
Plaintiff-Respondent,

-against-

M-5798  
Index No. 150146/08

Ana Taveras and 2927 Food Corp.,  
Defendants-Appellants.

-----X

Plaintiff-respondent General Trading Co., Inc. having moved for an order dismissing of the appeal taken from the order and judgment 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 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 February 3, 2011.

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

-----X  
In the Matter of a Proceeding for  
Support under Article 4 of the Family  
Court Act.

-----  
Estervina G.,  
Petitioner-Respondent,

M-6339  
Docket No. F-14289/07

-against-

Aaron Dean N.,  
Respondent-Appellant.

-----X  
Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Family Court, New York County, entered on or about March 10, 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 June 2011 Term, with no further enlargements to be granted. Counsel for respondent-appellant is directed to serve a copy of this order herein upon H. Benjamin Perez, 350 Broadway, Suite 1207, New York, New York 10013, as well as upon counsel for petitioner within 10 days after the date of entry hereof.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2011.

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

-----x  
Eugene Stolowski, et al.,  
Plaintiffs-Respondents,

-against-

M-6335  
Index No. 8850/05

234 East 178<sup>th</sup> Street LLC,  
Defendant-Appellant,

-and-

The City of New York,  
Defendants.

-----  
[And another action]  
-----x

Defendant-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 February 10, 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 June 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 February 3, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
James M. McGuire  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Cynthia A. Bell,  
Plaintiff-Appellant,

-against-

24-26 East 82nd Street Corporation,  
The Board of Directors, Andrea Bunis  
Management, Inc., Andrea Bunis,  
Carter Ledyard and Milburn, Ronald  
Spencer, Davis Polk & Wardwell,  
Ogden Lewis, Larry Jacobs and  
Jacqueline Eaton,  
Defendants-Respondents.

M-5741  
M-5751  
M-5871  
Index No. 117986/09

-----X  
Defendants-respondents Davis Polk & Wardwell, Ogden Lewis and Lawrence Jacobs, having moved (M-5741) for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 15, 2010, for failure to timely perfect,

And defendants-respondents Carter Ledyard and Milburn and Ronald Spencer having separately moved (M-5751) for the aforesaid relief,

And defendants-respondents 24-26 East 82nd Street Corporation, The Board of Directors, Andrea Bunis Management, Inc. and Andrea Bunis having separately moved (M-5871) for the same relief,

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 (M-5741/M-5751/M-5871) are 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 February 3, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Application of  
Orietta Echeverria,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-4866  
of the Civil Practice Law and Rules, Index No. 111085/09

-against-

New York City Housing Authority,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for a stay of eviction in the above-entitled action pending hearing and determination of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about August 17, 2010,

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before March 21, 2011 for the June 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 February 3, 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

Jacqueline Hernandez,  
Petitioner,

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

M-5889  
Index No. 113674/08

-against-

New York City Housing Authority,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 11, 2009,

And an order of this Court having been entered on October 26, 2010 (M-3780/M-4260), inter alia, granting respondent's cross motion and dismissing petitioner's proceeding,

And petitioner having moved for reargument of the aforesaid order of this Court dismissing her 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 denied.

ENTER:

  
CLERK

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

BEFORE: Hon. Peter Tom  
Justice of the Appellate Division

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

M-5611  
Ind. No. 3799/03

-against-

CERTIFICATE  
DENYING LEAVE

Delroy Joe,

Defendant.  
-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 1, 2010 is hereby denied.

  
\_\_\_\_\_  
Hon. Peter Tom  
Associate Justice

Dated: January 5, 2011  
New York, New York

**ENTERED** FEB 03 2011

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

BEFORE: Hon. Richard T. Andrias, Associate Justice

-----X

The People of the State of New York,

M-5513  
Ind. No. 7870/98

-against-

CERTIFICATE  
DENYING LEAVE

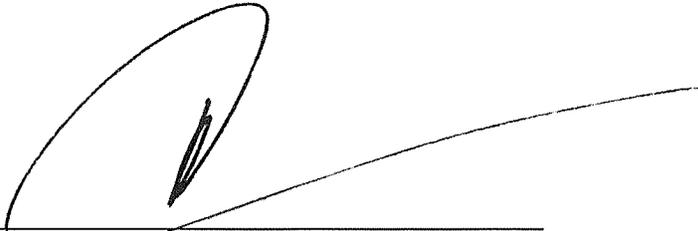
Aaron Ennis,

Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, (Roger S. Hayes, J.), entered on or about September 23, 2010, which denied defendant's motion pursuant to CPL 440.20, is hereby denied.

Dated: New York, New York  
January 5, 2011



Justice of the Appellate Division

**ENTERED**

**FEB 03 2011**

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-5676  
Ind. No. 2251/02

-against-

CERTIFICATE  
DENYING LEAVE

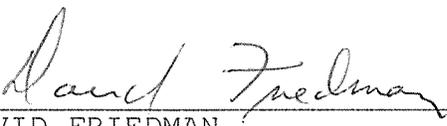
Freddie Jackson,  
Defendant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 27, 2010, is hereby denied. To the extent that defendant seeks poor person relief and assignment of counsel, that motion is hereby denied as academic.

Dated: New York, New York  
January 5, 2011

**ENTERED FEB 03 2011**

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-5668  
Ind. No. 2174/88

-against-

CERTIFICATE  
DENYING LEAVE

Yusuf Harris,  
Defendant-Appellant

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, entered on or about September 9, 2010, is hereby denied.

Dated: New York, New York  
January 5, 2011



\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

**ENTERED** FEB 03 2011

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

BEFORE: Hon. James M. Catterson  
Justice of the Appellate Division

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

M-3505  
Ind. No.3080/04

-against-

CERTIFICATE  
DENYING LEAVE

Ralph Hall

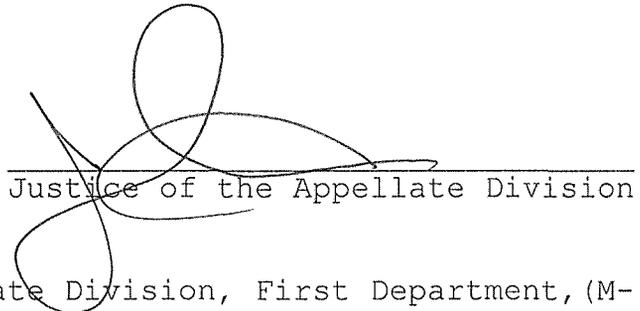
Defendant.

-----X

I, James M. Catterson, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that, upon application timely made by the above-named appellant for a certificate pursuant to CPL 460.20, and upon the record and proceedings herein,\* there is no question of law presented which ought to be reviewed by the Court of Appeals and permission to appeal, and related relief, is hereby denied.

Dated: January 24, 2011  
New York, New York

ENTERED: **FEB 03 2011**

  
\_\_\_\_\_  
Justice of the Appellate Division

\*Description of order: Appellate Division, First Department, (M-1302) dated June 1, 2010

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

BEFORE: Hon. Luis A. Gonzalez  
Justice of the Appellate Division

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

M-5756  
Ind. No. 5329/02

-against-

CERTIFICATE  
GRANTING LEAVE

Elias McFarland  
Defendant-Appellant.  
-----X

I, Luis A. Gonzalez, the Presiding Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about October 25, 2010.<sup>1</sup>

Dated: Jan. 06, , 2011  
New York, New York

**ENTERED**

**FEB 03 2011**

  
Hon. Luis A. Gonzalez  
Presiding Justice

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice

---

<sup>1</sup>In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

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 February 3, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
David Friedman  
John W. Sweeny  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of Attorneys Who Are  
in Violation of Judiciary Law Section  
468-a:

Departmental Disciplinary Committee M-212  
for the First Judicial Department,  
Petitioner,

Mark Douglas Ettenger,  
admitted on 11-17-1982, at a  
Term of the Appellate Division,  
Second Department,  
(OCA Atty. Reg. No. 1867340)  
Respondent.

-----X  
An order of this Court having been entered on April 2, 2009 [M-1084.436], inter alia, suspending the above-named respondent from practice as an attorney and counselor-at-law in the State of New York, effective immediately, and until the further order of this Court, for failure to comply with Judiciary Law §468-a,

And respondent having moved for an order granting reinstatement as an attorney and counselor-at-law in the State of New York,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, and it appearing that respondent complied with Judiciary Law §468-a on or about July 29, 2010, subsequent to the effective date of the aforesaid order,

It is ordered that the motion is granted and respondent is reinstated as a retired attorney and counselor-at-law in the State of New York, effective the date hereof.

ENTER:

  
CLERK

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT

FEB 3 2011

Luis A. Gonzalez,                   Presiding Justice,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Sallie Manzanet-Daniels,       Justices.

-----x

In the Matter of Augustine A. Diji  
(admitted as Augustine Ademola Diji),  
an attorney and counselor-at-law:

Departmental Disciplinary Committee  
for the First Judicial Department,  
Petitioner,

M-5264

Augustine A. Diji,  
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental  
Disciplinary Committee for the First Judicial Department.  
Respondent, Augustine A. Diji, was admitted to the Bar of  
the State of New York at a Term of the Appellate Division of  
the Supreme Court for the Fourth Judicial Department on  
March 16, 1995.

Jorge Dopico, Chief Counsel, Departmental  
Disciplinary Committee, New York  
(Kim Petersen, of counsel), for petitioner.

Kenneth F. McCallion, for respondent.

M-5264 - November 19, 2010

In the Matter of Augustine A. Diji, an Attorney

PER CURIAM

Respondent Augustine A. Diji was admitted to the practice of law in the State of New York by the Fourth Judicial Department on March 16, 1995, under the name Augustine Ademola Diji. At all times relevant to this matter, respondent maintained an office for the practice of law within this Department.

The Departmental Disciplinary Committee moves, pursuant to 22 NYCRR 603.11, for an order accepting respondent's resignation from the practice of law and striking his name from the roll of attorneys. Respondent's affidavit of resignation, sworn to on October 19, 2010, complies with section 603.11 in that he states that (1) his resignation is submitted freely, voluntarily and without coercion or duress, and that he is fully aware of the implications of submitting his resignation, (2) he is aware that formal charges of professional misconduct have been filed against him, and (3) that he would be unable to successfully defend himself against two of those charges (see 22 NYCRR 603.11[a][1]-[3]).

Specifically, he acknowledges that he cannot defend against the charges that he intentionally converted client money for his personal use, withdrawing funds that were to be held in escrow, derived from a construction loan fund and from a down payment

deposit to be held in escrow.

Accordingly, the Committee's motion should be granted, respondent's resignation from the practice of law accepted, and his name stricken from the roll of attorneys, effective nunc pro tunc to October 19, 2010.

All concur.

Order filed.

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 February 3, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
David Friedman  
John W. Sweeny  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of Attorneys Who Are  
in Violation of Judiciary Law Section  
468-a:

Departmental Disciplinary Committee  
for the First Judicial Department,  
Petitioner,

M-150

Gabrielle Lisa Muller,  
admitted on 1-13-2003, at a  
Term of the Appellate Division,  
First Department,  
(OCA Atty. Reg. No. 4113619)  
Respondent.

-----X  
An order of this Court having been entered on October 21, 2010 [M-3067.186], inter alia, suspending the above-named respondent from practice as an attorney and counselor-at-law in the State of New York, effective immediately, and until the further order of this Court, for failure to comply with Judiciary Law §468-a,

And respondent having moved for an order granting reinstatement as an attorney and counselor-at-law in the State of New York,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, and it appearing that respondent complied with Judiciary Law §468-a on or about November 2, 2010, subsequent to the effective date of the aforesaid order,

It is ordered that the motion is granted and respondent is reinstated as an attorney and counselor-at-law in the State of New York, effective the date hereof.

ENTER:

  
CLERK

**CORRECTED ORDER – February 3, 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 January 25, 2011.

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

-----x

In the Matter of

Tyrique Alexandra B. and  
Xavion Liviro H.,

A Dependent Child under 18 Years  
of Age Pursuant to §384-b of the  
Social Services Law.

M-6090  
Docket Nos. B957/09  
B958/09

- - - - -

Catholic Guardian Society and Home  
Bureau, et al.,  
Petitioners-Respondents,

Alexandra B. B., also known as  
Alexandria Bridget B.,  
Respondent-Appellant.

- - - - -

Hal Silverman, Esq., Lawyers for Children,  
Attorney for the Children.

-----x

Appeals having been taken to this Court by appellant mother from orders of Family Court, New York County, entered on or about January 6, 2010,

And respondent-appellant having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting the appellant to prosecute the consolidated appeals upon 8 copies of one set of appellant points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged to the May 2011 Term.

E N T E R:



Clerk.

CORRECTED ORDER – February 3, 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 January 4, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Diane T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of

Ta'Avixiqua H., also known as Docket Nos. B15882/06  
Ta'Avixiqua'h Jyoti Minaku Consuelo  
H.;

Cennyer Qui-Viros H.; B15880/06

and Nakai H., also known as B15881/06  
Nakai Chayoto H.,

Dependent Children Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York. **M-4670**  
**M-4672**  
**M-4668**

- - - - -  
St. Vincent's Services, et al.,  
Petitioners-Respondents,

Angela B. H., also known as  
Angela Renee B., also known as  
Angela B.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved by separate motions for leave to prosecute, as a poor person, the appeals taken from orders of the Family Court, New York County, all entered on or about August 5, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

CORRECTED ORDER – February 3, 2011

(M-4670/M-4672/M-4668)

-2-

January 4, 2011

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. (914) 834-3053, as counsel for purposes of prosecuting the appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **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(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record(s) upon receipt of this order;** and (4) appellant is directed to perfect the appeals, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



Clerk

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