

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 8, 2011.

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

-----X
Edward Hughes,
Plaintiff-Respondent,

-against-

M-96X

Index No. 105224/08

SLG Broad Street 125 A LLC, et al.,
Defendants-Appellants,

-and-

Sullivan & Cromwell, LLP., et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 16, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 5, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 8, 2011.

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

-----X
Roberto Rogers,
Plaintiff-Respondent,

-against-

M-116X
Index No. 112986/07

The New York City Housing Authority
and Paul J. Scariano, Inc.,
Defendants,

-and-

Richards Plumbing & Heating Co., Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 24, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 10, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 8, 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-117
Ind. No. 1010/08

Peter Grado,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 11, 2010,

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 8, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Karla Moskowitz
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

M-1430
Ind. No. 3824/04

Tyrone Minton,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on June 3, 2008 (Appeal No. 3811), unanimously affirming the judgment of the Supreme Court, Bronx County (Megan Tallmer, J.), rendered on November 17, 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 the correspondence from defendant, dated December 20, 2010, and due deliberation having been had thereon,

It is ordered that said application and related relief are deemed withdrawn in accordance with the aforesaid correspondence.

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 8, 2011.

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

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

The City of New York; The New York City Mayor's Office of Labor Relations, et al.,
Petitioners,

For a Judgment, Pursuant to Article 78 of the CPLR, Annulling a Determination of

M-5796
Index No. 1522/09

William C. Thompson, Jr., as the Comptroller of the City of New York, etc., et al.,
Respondents,

Fixing the Compensation of Sewage Treatment Workers and Senior Sewage Treatment Workers as Employees of the City of New York at the Prevailing Rate of Wages Pursuant to New York State Labor Law §§220, et seq. and for a Judgment and order Pursuant to Article 78 of the Civil Practice Law and Rules.

-----X

Petitioners having moved, pursuant to CPLR Article 78, seeking the review and annulment of an order and determination, dated November 23, 2009, by respondents,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated May 28, 2010, and due deliberation having been had thereon, it is

Ordered that the proceeding is deemed 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 8, 2011.

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

-----X
Sentina Brown,
Plaintiff-Respondent,

-against-

M-6001

Index No. 303618/08

Simone Development Company, L.L.C.,
Defendant,

ABM Industries, Inc.,
Defendant-Appellant.

-----X

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

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

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant's counsel, Lesley M. Lai, Esq., of Gallo Vitucci & Klar, dated January 6, 2011, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 8, 2011.

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

-----X
Diane Reid,
Plaintiff-Appellant,

-against-

M-5496
M-5678
Index No. 13910/09

Maggies Paratransit Corp., et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 22, 2009,

And defendants-respondents, Elite Ambulette Services, Inc. and Journelle Mason, having moved to strike plaintiff's notice of appeal (M-5496),

And defendant-respondent, Maggies Paratransit Corp., having cross-moved for the aforesaid relief (M-5678),

Now, upon reading and filing the papers with respect to the motion and cross motion, and the stipulation of the parties, dated November 29, 2010, and due deliberation having been had thereon, it is

Ordered that plaintiff's notice of appeal is hereby withdrawn. The motion and cross motion (M-5496/M-5678) to strike plaintiff's notice of appeal are deemed withdrawn.

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 8, 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-8
Ind. No. 1762/09

Milton Canada,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 10, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 8, 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-9
Ind. No. 1/09

Lennie Frankline,
Defendant-Appellant.

-----X

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

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 8, 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-10
Ind. No. 4465/09

Jorge Rivera,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 9, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 8, 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-37
Ind. No. 5343/08

Stuart R. Ross,
Defendant-Appellant.

-----X

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

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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.

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 8, 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-38
Ind. No. 2425/10

Michael Caines,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 9, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

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 8, 2011.

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

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

-against-

M-39
Ind. No. 230/10

Victor Hurt,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 10, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

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 8, 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-51
Ind. No. 4465/09

Eddie Colon,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 9, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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.

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 8, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-5986
Ind. No. 3668/09

Richard McDaniel,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 5, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 8, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Karla Moskowitz
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
In the Matter of Elliott Claiborne,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-6098
of the Civil Practice Law and Rules, Index No. 401337/09

-against-

M.T.A./D.O.T. and NYC Commission on
Human Rights Law Enforcement Bureau,
Respondents-Respondents.

-----X

Petitioner-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about January 15, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the merits of the appeal, and including Federal Income Tax returns for the years 2008 and 2009, and presenting documentary proof of petitioner's disability and his daughter's disability. Sua sponte, the time to perfect the aforesaid appeal is enlarged to the September 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Karla Moskowitz
Rolando T. Acosta
Nelson S. Román, Justices.

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

- - - - -
Barbara Anne J.,
Petitioner-Respondent,

M-6109
Docket No. F389-05/09G

-against-

James Earl J.,
Respondent-Appellant.

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

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, County, entered on or about April 2, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that respondent-appellant has no funds or assets with which to prosecute appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2011.

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

-----X
In the Matter of

Maddex Manuel M., and
Trinity Ann M.,

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,

M-6199
Docket Nos. NN25265-6/10

Joanna P. S.,
Respondent-Appellant.

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

-----X
Respondent-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 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, 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

February 8, 2011

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.

E N T E R:



Susan Rojas
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 February 8, 2011.

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

-----X
In the Matter of a Paternity Proceeding
Under Article 5 of the Family Court Act.

Commissioner of Social Services,
on behalf of Elizabeth S.,
Petitioners-Respondents,

M-6216
Docket No. P20507/10

-against-

Julio J.,
Respondent-Appellant.

-----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 8, 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, George E. Reed Jr., Esq., 222 Mamaroneck Ave., White Plains, New York 10605, Telephone No. (914) 946-5000, 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

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

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

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 8, 2011.

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

-----X

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

Evangeline R.,
Petitioner-Appellant,

M-6224
Docket No. V17585/10

-against-

Johnathan R., and Jasmine S.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 14, 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, Daniel R. Katz, Esq., 339 West 88th Street, Apt. No. 3, New York, New York 10024, Telephone No. (212) 579-5719, 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.

E N T E R:


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 February 8, 2011.

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

-----X

In the Matter of a Paternity Proceeding
Under Article 5 of the Family Court Act.

David G.,

Petitioner-Appellant,

M-6239

Docket No. P17829/09

Maribel G.,

Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about July 22, 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 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.

E N T E R:


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 February 8, 2011.

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

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

-against-

M-6269
Index No. 604517/02

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

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

And plaintiffs-respondents having moved for an order consolidating the aforesaid appeals; directing that appellants be represented by one counsel at oral argument and permitted only 15 minutes for argument time; for an extension of time for plaintiffs to file a respondent's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting appellants to prosecute the appeals upon the separate briefs and joint appendix filed on January 3, 2011, without prejudice to submission of a request by plaintiffs to the Clerk of the Court seeking permission to file an over-sized respondent's brief and for additional time for oral argument. The motion is otherwise denied as academic said appeal having been perfected for the April 2011 Term.

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 8, 2011.

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

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

-against-

M-78
Index No. 604517/02

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

Reinsurance Association of America,
Amicus Curiae.

-----X

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

And Reinsurance Association of America having moved for an for leave to file a brief amicus curiae with respect the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of directing movant to immediately file 9 copies of the amicus curiae brief with the Clerk of this Court.

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 8, 2011.

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

-----x

Robert Nagel,

Plaintiff-Respondent,

-against-

M-5969
Index No. 3451/95

Mette Nagel,

Defendant-Appellant.

-----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 January 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 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 8, 2011.

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

-----X
Rosa Jones and Clarence Jones,

Plaintiffs-Appellants,

-against-

M-5993
Index No. 21844/03

New York City Health and Hospital Corporation, et al.,

Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for further enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 9, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2011 Term, with no further enlargements to 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 8, 2011.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
Diane T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Application of
The City of New York, et al.,
Petitioners,

For a Judgment and Order, etc.,

M-6259
Index No. 400464/07

-against-

The Board of Certification of the
Office of Collective Bargaining of
the City of New York, etc., et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 7, 2010,

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

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

It is ordered that the motion is to the extent of enlarging the time in which to perfect the proceeding 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 8, 2011.

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

-----X
Narcisa San Andres,
Plaintiff-Respondent,

-against-

M-6355
Index No. 18006/05

1254 Sherman Avenue Corp. and
Dougert Management Corp.,
Defendants,

-and-

Eltech Industries, Inc.,
Defendant-Appellant.

-----X

Separate appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about November 2, 2009 and July 8, 2010, respectively,

And defendant-appellant having moved for an enlargement of time in which to perfect 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 enlarging the time in which to perfect the appeals, which are sua sponte consolidated, to on or before March 21, 2011 for the June 2011 Term. Appellant is permitted to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals. The parties' attention is directed to 22 NYCRR §600.11.

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 8, 2011.

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

-----X
Mark Moynahan,
Plaintiff-Appellant-Respondent,

-against-

Orient-Express Hotels Ltd.,
Defendant-Respondent-Appellant,

Orient-Express Hotels Inc. and M-6101
Venice Simplon-Orient-Express Inc., Index No. 600871/09
Defendants-Respondents,

John Does 1-5,
Defendants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 4, 2010; and an appeal having been taken from the judgment of said Court entered on or about February 11, 2010, respectively,

And defendant-respondent-appellant, Orient-Express Hotels Ltd., having moved for an enlargement of time in which to perfect its cross appeal from the order entered on or about February 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 cross appeal to the June 2011 Term. (See M-5442, decided simultaneously herewith.)

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 8, 2011.

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

-----X
Mark Moynahan,
Plaintiff-Appellant-Respondent,

-against-

Orient-Express Hotels Ltd., M-5442
Defendant-Respondent-Appellant, Index No. 600871/09

Orient-Express Hotels Inc. and
Venice Simplon-Orient-Express Inc.,
Defendants-Respondents,

John Does 1-5,
Defendants.

-----X
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 4, 2010; and an appeal having been taken from the judgment of said Court entered on or about February 11, 2010, respectively,

And Aaron Richard Golub, Esq., having moved to withdraw as counsel of record for plaintiff and for an enlargement of time in which to perfect the 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 and Aaron Richard Golub, Esq. is permitted to withdraw as attorney of record for plaintiff. The time to perfect the aforesaid appeals is enlarged to the June 2011 Term. (See M-6101, decided simultaneously herewith.)

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 8, 2011.

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

-----X
Samuel N. Goldstein, as Executor of the
Estate of Miriam Goldstein, Deceased
and Samuel N. Goldstein, Individually,

Plaintiff-Appellant,

-against-

M-6173
Index No. 15576/00

Wendy B. Silverstein, M.D.,

Defendant-Respondent.
-----X

Defendant-respondent having moved for dismissal of the appeal taken 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 denied, and the appeal is deemed taken from the judgment of the Supreme Court, Bronx County, entered September 13, 2010.

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 8, 2011.

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

-----X
In the Matter of

Ashley M. V.,
Victor V., and
Isaiah V.,

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,

M-6151
Docket Nos. NA50794-6/09

Victor V.,
Respondent-Appellant,

-and-

Crystalin V.,
Respondent.

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

Kristin Kimmel, Esq., Lawyers
for Children,
Attorney for Children
Victor V., and Isaiah V.

-----X
Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, New York County, entered on or about July 22, 2010 and August 27, 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, John J. Marafino, Esq., 9 West Prospect Ave., Suite 409, Mount Vernon, New York 10550, Telephone No. (914) 663-1500, 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.

E N T E R:


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 October 9, 2012.

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

-----X

In the Matter of

Ashley M. V.,
Victor V., and
Isaiah V.,

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,

M-6151A
Docket Nos. NA50794-6/09

Victor V.,
Respondent-Appellant,

-and-

Crystalin V.,
Respondent.

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

Kristin Kimmel, Esq., Lawyers
for Children,
Attorney for the Children,
Victor V., and Isaiah V.

-----X

An order of this Court having been entered on February 8, 2011 (M-6151) assigning John J. Marafino, Esq., as counsel to prosecute respondent-appellant's appeal from orders of the Family Court, New York County, entered on or about July 22, 2010 and August 27, 2010,

Now, upon the Court's own motion, it is

Ordered that the designation of John J. Marafino, Esq., is stricken as counsel to prosecute appellant's appeal, and, pursuant to Section 722 of the County Law, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, is substituted 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. The order of this Court entered on February 8, 2011 (M-6151) is hereby recalled and vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2011.

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

-----X
Charles Udoh,
Plaintiff-Appellant,

-against-

M-6117

Index No. 126690/02

Inwood Gardens, Inc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant pro se having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about December 10, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

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

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 8, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Jack Benishai and BMC LLC,
Petitioners-Respondents,

-against-

M-132
Index No. 105669/10

David Benishai,
Respondent-Appellant.

Robert D. Garson, et al.,
Non-Party Respondents.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 29, 2010 (mot. seq. no. 001, 002, 003),

And respondent-appellant having moved for an order striking certain portions of petitioners-respondents' brief as de hors the record on appeal,

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

Ordered that the motion is denied, without prejudice to addressing the issue directly on appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 8, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

-against-

M-6015
Ind. No. 3352/84

Carlos Ramos, also known as Gary
Thomas,

Defendant.

-----X

An order of this Court having been entered on July 17, 1986 (M-2953), dismissing defendant's appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about June 6, 1985,

And an order of this Court having been entered on August 17, 2010 (M-2479), denying defendant's motion for reinstatement of his appeal,

And defendant having renewed his motion for reinstatement of his appeal and, upon reinstatement, for poor person 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 8, 2011.

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

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

-against-

M-5920
Ind. No. 4596/06

Walter Cates, Sr., also known as
Walter Johnson,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, Bronx County, rendered on or about June 10, 2009, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief, or for alternative relief,

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

It is ordered that the motion is granted to the extent of 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 Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned. The motion is otherwise denied.

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 8, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Odilon Pedro Aguilar Acuna,
Plaintiff-Appellant-Respondent,

-against-

M-6062
M-6060
Index No. 21998/04

J & Q Contracting Corp.,
Defendant-Respondent-Appellant,

Birchwood Apartment Owners, Corp.,
et al.,
Defendants-Respondents.

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

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 25, 2010,

And plaintiff-appellant-respondent having moved (M-6062) for an enlargement of time in which to perfect the direct appeal,

And defendant-respondent-appellant, J & Q Contracting Corp., having cross-moved (M-6060) for an enlargement of time to perfect the cross appeal,

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 enlarging the time in which to perfect the appeal and cross 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 8, 2011.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

Appellant,

-against-

M-6332
Ind. No. 3664/02

Jose Figueroa,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about January 15, 2010, and said appeal having been perfected,

And defendant-respondent having moved to dismiss the aforesaid appeal for lack of statutory authority,

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 defendant-respondent raising the issue of lack of statutory authority issues in response to the appeal. The appeal is adjourned to the May 2011 Term.

ENTER:


CLERK

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-4072
Ind. No. 8640/89

-against-

CERTIFICATE
DENYING LEAVE

DeMariano Fagairo,
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 December 22, 2009, is hereby denied.

Dated: New York, New York
January 5, 2011

Entered: February 8, 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-5589
Ind. No. 5298/03

-against-

CERTIFICATE
DENYING LEAVE

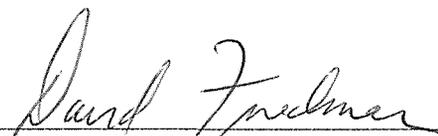
Jonathan Rodriguez,
Defendant.

-----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 21, 2010, is hereby denied.

Dated: New York, New York
January 6, 2011

Entered: February 8, 2011



DAVID FRIEDMAN
Justice of the Appellate Division

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

M - 5807
Ind. No. 534/97

-against-

CERTIFICATE
DENYING LEAVE

Brad McPherson,

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.10, and upon the record and proceedings herein, there being no question of law or fact to be reviewed by the Appellate Division, First Judicial Department, permission to appeal from the order of the Supreme Court, New York County, entered on or about July 30, 2010, is hereby denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: January 14, 2011
New York, New York

ENTERED: February 8, 2011

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

M - 5906
Doc. No. 67662C/07

-against-

CERTIFICATE
DENYING LEAVE

Angel Sepa,

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about October 29, 2010, is hereby denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: January 11, 2011
New York, New York

ENTERED: February 8, 2011

PM ORDERS

ENTERED ON

FEBRUARY 8, 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 February 8, 2011.

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

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In the Matter of the Application of
Cecilia Gullas,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5703
M-5750
M-5720

Index No. 400303/0991

New York City Department of Housing
Preservation and Development and RNA
House, Inc.,
Respondents-Respondents.

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An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about July 24, 2009,

And petitioner-appellant pro se having moved (M-5720) for an enlargement of time in which to perfect the aforesaid proceeding; for leave to prosecute said proceeding as a poor person, for leave to have the proceeding heard on the original record and upon reproduced appellant's brief and for related relief,

And respondent-respondent RNA House, Inc., having moved (M-5703) to dismiss the aforesaid proceeding for failure to timely perfect,

And respondent-respondent Department of Housing Preservation and Development having separately moved (M-5750) for the same 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 (M-5720) is granted to the extent of enlarging the time in which to perfect said proceeding to the June 2011 Term, with no further enlargements to be granted. Appella So much of the motion seeking poor person relief is granted to the extent of directing the Clerk of Supreme Court, New York County, to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant, the cost thereof to be charged against the City of New York from funds available therefor. nt is advised that the appeal will not be heard unless and until all material furnished to him has been returned to this Court. The motion is otherwise denied.

It is further ordered that the motions (M-5703/M-5750) to dismiss said proceeding are granted unless the proceeding is perfected for the June 2011 Term. Upon failure to so perfect the respondents may move on notice to dismiss the proceeding.

ENTER:

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

Clerk