

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 17, 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-291  
Ind. No. 1684/06

Gregory Sohlberg,

Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 18, 2006,

Now, upon reading and filing the stipulation of the parties hereto, filed January 18, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 17, 2011.

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

-----X  
James Hotel NY 57, LLC,  
Petitioner-Appellant,

-against-

M-355X  
Index No. 651423/10

Herrick, Feinstein LLP,  
Respondent-Respondent,

-and-

Jams, Inc., doing business as James  
ADR Services,  
Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 29, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 24, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 17, 2011.

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

-----X  
Jon-Michael Agli,  
Plaintiff-Respondent,

-against-

M-356X  
Index No. 107861/08

Caliente Cab Co., et al.,  
Defendants,

-and-

Caliente Waverly Restaurant Corp.,  
initially sued herein as Caliente  
Waverly Rest. Corp. and Caliente  
Cab Restaurant Co., Inc., initially  
sued here as Caliente Cab Rest. Co.,  
Inc.,

Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 17, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 24, 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 17, 2011.

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

-----X  
270 Greenwich Street Associates LLC,  
et al.,

Plaintiffs-Appellants,

-against-

Gregory Cuneo, et al.,

Defendants-Respondents.  
-----X

M-358X  
Index No. 601767/09

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 7, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 24, 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 17, 2011.

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

-----X  
Nectarios Iliakostas, et al.,

Plaintiffs-Respondents,

-against-

M-383X  
Index No. 6950/02

Issacher Karten, M.D.,

Defendant-Appellant.  
-----X

Appeals having been taken from the order and judgment of the Supreme Court, Bronx County, entered on or about April 30, 2010 and June 23, 2010, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 25, 2011, and due deliberation having been had thereon,

It is ordered that the appeals are 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 17, 2011.

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

-----X  
Rosemarie Corralisa,

Plaintiff-Respondent,

-against-

M-366  
Index No. 306751/08

Lucky Seven Livery Corp.,

Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 13, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed January 25, 2011, and due deliberation having been had thereon,

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

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 17, 2011.

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

-----X  
Friedlander & Associates, LLC,  
Plaintiff-Respondent,

-against-

M-373  
Index. No. 309102/08

Digestive Disease & Nutrition Center  
of Westchester, LLP, et al.,  
Defendants-Appellants  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 15, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated January 20, 2011, and due deliberation having been had thereon,

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

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 17, 2011.

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

-----x  
American International Group,  
Plaintiff-Respondent, M-4675  
-against- Index No. 106781/05  
Choice Logistics,  
Defendant-Respondent.  
-----  
Choice Logistics,  
Third-Party Plaintiff-Respondent,  
-against- Index No. 591068/05  
Van Dorn Realty Corporation,  
Third-Party Defendant.  
-----  
Choice Logistics,  
Second Third-Party Plaintiff-  
Respondent,  
-against- Index No. 590266/08  
Rimco Air Conditioning Company, Inc.,  
Second Third-Party Defendant-  
Appellant.  
-----x

Appeals having been to this Court from the orders of the Supreme Court, New York County entered on or about August 17, 2009 and June 23, 2010, respectively,

And second third-party defendant-appellant Rimco Air Conditioning Company, Inc. having moved for a stay of trial pending hearing and determination of the aforesaid appeals, and for other relief,

And orders of this Court having been entered on November 16, 2010 (M-5352X/M-5353X), inter alia, withdrawing the appeals from aforesaid orders,

Now, after due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid orders M-5352X/M-5253X).

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 17, 2011.

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

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

-against-

M-6247  
Ind. Nos. 1152/09  
7653C/09

Isaac Morales,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgments of the Supreme Court, Bronx County, rendered on or about August 11, 2009 and September 8, 2009, respectively; and an order of this Court having been entered on November 12, 2009 (M-4579) granting defendant poor person relief and assigning Steven Banks, Esq., as counsel for purposes of prosecuting said appeal,

And an order of this Court having been entered on March 2, 2010 (M-435) relieving Steven Banks, Esq., and substituting Robert S. Dean, Esq., as counsel on the appeal,

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 17, 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-5899  
Ind. Nos. 1355N/06

Richard Bahamonte,

Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 2, 2010,

And defendant having moved for leave to prosecute, as a poor person, the aforesaid appeal, and for related relief,

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

Ordered that the motion is denied as academic, said relief having been granted by the order of this Court entered on December 2, 2010 (M-4941).

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 17, 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 a proceeding for  
Support Under Article 4 of the  
Family Court Act.

-----  
Christina M.,

Petitioner-Respondent,

M-6051

Docket No. F14840-06/09D

-against-

Kevin S. M.,

Respondent-Appellant.  
-----X

Respondent-appellant father 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 5, 2010, and for a 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.

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 17, 2011.

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

-----x  
The Estate of Edis Estevez, etc.,

Plaintiff-Appellant,

-against-

M-20  
Index No. 8112/03

The City of New York, et al.,

Defendants-Respondents.  
-----x

Consolidated appeals having been taken to this Court from the orders of the Supreme Court, Bronx County, entered on or about July 15, 2009 and March 15, 2010, respectively,

And plaintiff-appellant having renewed the motion for an enlargement of time in which to perfect the consolidated 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 consolidated appeals 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 17, 2011.

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

-----X  
546-552 West 146th Street, LLC,  
et al.,  
Plaintiffs-Respondents,

-against-

M-103  
Index No. 603041/06

Rachel L. Arta, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 7, 2010 (mot. seq. no. 011),

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
James M. Catterson  
Sheila Abdus-Salaam, Justices.

-----X  
Rezplex, L.L.C.,  
Petitioner-Appellant,

-against-

M-4967  
Index No. 260123/08

The New York City Department of  
Housing Preservation and Development,  
et al.,  
Respondents-Respondents.

-----X

Respondents-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 7, 2010 (Appeal No. 2028),

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 judgment (denominated an order) of Supreme Court, properly made?

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
James M. McGuire  
Sheila Abdus-Salaam, Justices.

-----X

Vistra Trust Company (Jersey) Limited as Trustee of the Alsam, Colleen and Logany Settlements, Colleen Investment AG, Alsam Holding AG, Penny Asset AG, Logany Equity AG, Vierwaldstatter Beteiligungen AG, Clarick AG, Colleen Investment, L.L.C., Logany L.L.C. and William Tacon, Receiver and Manager of the Assets of Maytown Universal SA and Plympton Universal SA, Plaintiffs,

M-41  
Index No. 116985/07

-against-

Dr. Marco Stoffel, Albe Associates Limited, Bluecolt Securities Corporation, Lauramca Holdings, L.L.C. and John Does 1-10, Defendants.

-----X

An order of this Court having been entered October 28, 2010 (M-4455), dismissing the appeal taken from judgment of the Supreme Court, New York County, entered on or about May 7, 2009,

And defendants having moved to reinstate the aforesaid appeal or, in the alternative, for leave to appeal to the Court of Appeals, for a stay of proceedings pending hearing and determination of said appeal, and for related relief,

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

It is ordered that the motion is deemed one for reargument of the motion decided by the order of this Court entered October 28, 2010 (M-4455), and, insofar as it seeks reargument of the aforesaid motion, is denied. The motion is otherwise 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 17, 2011.

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

-----X  
1701 Restaurant on Second, Inc.,  
doing business as Pat O'Briens,  
Plaintiff-Respondent,

-against-

Armato Properties, Inc.,  
Defendant-Appellant.

M-63  
Index No. 110983/06

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about February 17, 2010, and said appeal having been perfected,

And an order of this Court having been entered on or about January 14, 2011 adjourning the aforesaid appeal to the March 2011 Term, allowing plaintiff additional time to prepare a respondent's brief,

And plaintiff-respondent having moved for an extension of time in which to file said respondent's 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 denied as academic, the appeal being currently noticed 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 17, 2011.

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

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

Respondent,

-against-

M-6234  
Ind. No. 2962/08

Jason Pagan,

Defendant-Appellant.  
-----X

An order of this Court having been entered on February 9, 2010 (M-128) assigning Robert S. Dean, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about December 10, 2009,

And defendant-appellant having moved for an order relieving assigned counsel and to substitute other counsel to prosecute the appeal, 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 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 17, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzaelli  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
The People of the State of New York  
ex rel. Charles Mack,  
Petitioner,

-against-

M-6292  
Ind. Nos. 4385/08 & 3/10

Joandrea Davis, Warden,  
George Motchan Detention Center,  
Rikers Island Correctional Facility,  
Respondent(s).

-----X  
The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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 be and the same hereby is granted to the extent of issuing the writ, and

It is further ordered that the habeas corpus proceeding herein be transferred to and be heard before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, forthwith, and it is further

Ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Otis Bantum Correctional Center, 16-00 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, be deemed due and sufficient notice.

The motion is otherwise 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 17, 2011.

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

-----X  
Anna Pezhman,

Plaintiff-Appellant,

-against-

M-13  
Index No. 402354/09

Department of Education of the City of  
New York, et al.,

Defendants-Respondents.  
-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 14, 2010 (Appeal No. 3902N),

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 17, 2011.

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

-----X  
RDLF Financial Services, LLC, et al.,  
Plaintiffs-Respondents,

-against-

M-6002  
Index No. 119185/06

Marc A. Bernstein, et al.,  
Defendants-Appellants,

North Fork Bank,  
Defendant.

-----X

Appeals having been taken by defendants-appellants from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 10, 2009 and from the order of the same Court entered on or about May 12, 2010 (mot. seq. no. 003), respectively,

And defendants-appellants having moved for a stay of proceedings; relief in the nature of a writ of mandamus, and for related relief, pending hearing and determination 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 denied in its entirety.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2011.

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

-----X  
Samuel Udo, an infant by his mother  
and natural guardian, Lilian Udo, and  
Lilian Udo, individually,  
Plaintiffs-Respondents,

-against-

M-5856  
Index No. 350078/08

Maurice A. Scattliffe,  
Defendant,

Eastchester Heights NYC, LLC,  
Defendant-Appellant.

-----X  
Eastchester Heights NYC, LLC,  
Third-Party Plaintiff-Appellant-  
Respondent,

-against-

Third-Party  
Index No. 84016/08

Love Works Day Care and Obyageli  
Anyikwa,  
Third-Party Defendants-Respondents-  
Appellants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 6, 2010,

And defendant/third-party plaintiff-appellant-respondent having moved to dismiss third-party defendants' cross appeal,

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

Ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----X  
Wachovia Bank, N.A.,  
Plaintiff-Respondent,

-against-

M-141  
Index No. 602796/09

Harvey Silverman and Silverman  
Partners, L.P.,  
Defendants-Appellants.

-----X

An order of this Court (M-4417/M-4460/M-4599) having been entered on November 9, 2010, consolidating the appeals taken from orders of the Supreme Court, New York County, entered on or about February 25, 2010 and on or about June 29, 2010, respectively,

And plaintiff-respondent having moved for dismissal of certain portions of the aforesaid consolidated appeals, or in the alternative for leave to strike certain portions of the record, 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, without prejudice to consideration of the issue 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 17, 2011.

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

-----X  
Robert Hebel, et al.,

Plaintiffs-Appellants,

-against-

City of New York, et al.,

Defendants-Respondents.  
-----X

M-129  
Index No. 114246/06

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 28, 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.

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 17, 2011.

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

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

-----  
Kathy Laudette G.,  
Petitioner-Respondent,

-against-

M-5730  
Docket No. F13169-06/09G  
F13169-06/09H

John Carl H.,  
Respondent-Appellant.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about October 8, 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 appellant has no funds or assets with which to prosecute appeal, including State and Federal Tax Returns for the years 2008, 2009 and 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 17, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
Corlette O'Bryan, et al.,  
Plaintiffs-Appellants,

-against-

M-5687  
Index No. 303293/09

Martha E. Stark, as Commissioner of  
the New York City Department of  
Finance, et al.,  
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 19, 2010 (Appeal No. 3365), and for a stay of judgment pending hearing and determination of this motion,

And an order of a Justice of this Court dated November 15, 2010 having granted an interim stay pending determination by a full Judicial bench of the aforesaid motion,

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

It is ordered that the motion is denied, and the interim relief granted by a Justice of this Court on November 15, 2010 is 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 17, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
- James M. Catterson -  
Leland G. DeGrasse, Justices.

-----X  
In re Estate of William Gottlieb,  
Deceased.

Irving Bender, et al.,  
Petitioners-Respondents, M-6288  
Index No. 4037/99  
Cheryl I. Dier, et al.,  
Objectors-Appellants.

- - - - -  
In re Mollie Bender,  
Deceased,

Irving Bender, et al., Index No. 2497/07  
Petitioners-Respondents,

Michael Corbett,  
Objector-Appellant.

-----X

An order of this Court having been entered November 4, 2010 (M-3452/M-3156), denying objector-appellant Cheryl Dier Corbett's separate motions, for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 18, 2010 (Appeal No. 1519-23),

And objector-appellant Cheryl Dier Corbett having moved for reconsideration of the aforesaid order (M-3452/M-3156),

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 17, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
Assured Guaranty (UK) Ltd., etc.,  
Plaintiff-Appellant,

-against-

J.P. Morgan Investment Management  
Inc.,  
Defendant-Respondent.

M-6308  
Index No. 603755/08

- - - -  
Attorney General of the State of  
New York,  
Amicus Curiae,

Securities Industry and Financial  
Markets Association,  
Amicus Curiae.

-----X  
Defendant-respondent J.P. Morgan Investment Management  
having moved for leave to appeal to the Court of Appeals from the  
decision and order of this Court entered on November 23, 2010  
(Appeal No. 3053),

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 modified  
the order of the Supreme Court to the extent  
of reinstating certain claims that accrued on  
or after June 26, 2007 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 17, 2011.

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

-----X  
AP X-Power Media, Inc.,  
Plaintiff-Respondent,

-against-

Ocean Bridge, Inc., Lev Paukman, M.D.,  
Defendants-Appellants,

-and-

M-218  
Index No. 603869/08

"John Doe" 1-5 and Jane Doe 1-5,  
those being shareholders of  
Ocean Bridge, Inc., who identities  
are presently unknown,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 3, 2010 (mot. seq. no. 007),

And an order by a Justice of this Court having been entered January 18, 2011, granting a stay of proceedings to enforce a certain judgment of the Supreme Court, New York County (same Court and Justice), entered on or about July 29, 2009, on condition a certain undertaking be posted on or before January 25, 2011, and said undertaking having been posted,

And defendant-appellant Lev Paukman, M.D., having moved to stay enforcement of the aforesaid judgment pending hearing and determination of the aforesaid appeal,

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

(M-218)

-2-

February 17, 2011

It is ordered that the motion is denied, as unnecessary (CPLR 5519 (a) [2]), the aforesaid condition of the order of a Justice of this Court on January 18, 2011 having been satisfied.

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 17, 2011.

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

-----X  
Glenford Building Corp. and Giustizia  
Aggressivo, LLC, as Tenants-in-Common,  
Petitioner-Landlord-Respondent,

-against-

M-6276  
Index No. L&T 90925/08

Elena Strujan,  
Respondent-Tenant-Appellant,

"John Doe",  
Respondent-Undertenant.

-----X  
A purported appeal having been taken from the order of the Civil Court, New York County, dated on or about March 11, 2009,

And respondent-tenant-appellant having moved for leave to appeal to this Court, for an enlargement of time in which to perfect said appeal, and 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, without prejudice to further proceedings in the Appellate Term of the Supreme Court, New York County, if so advised.

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 17, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
James M. Catterson  
Sheila Abdus-Salaam, Justices.

-----X  
CDR Créances S.A.S., etc.,  
Plaintiff-Respondent,

-against-

Maurice Cohen, et al.,  
Defendants-Appellants,

Summerson International Establishment,  
et al.,  
Defendants.

-----  
CDR Creances S.A.S., etc.,  
Plaintiff-Respondent,

M-5072  
Index Nos. 109565/03  
600448/06

-against-

Leon Cohen, etc., et al.,  
Defendants-Appellants,

Iderval Holdings, Ltd., et al.,  
Defendants.

-----X

A decision and order of this Court having been entered on October 19, 2010 (Appeal No. 2555), unanimously modifying the order of the Supreme Court, New York County, entered on November 27, 2009,

And defendants-appellants, Joelle Habib and Patricia Habib Petetin, having moved to withdraw as appellants from the aforesaid appeal,

Now, upon reading and filing the motion of the parties hereto and due deliberation having been had thereon,

It is ordered that the motion is denied as moot, said appeal having been argued on March 25, 2010 and the decision of this Court having been entered October 10, 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 17, 2011.

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

-----X  
Gary Hanson and Rosemarie Hanson,  
Plaintiffs,

-against-

M-6202  
Index No. 102540/05

R.C. Dolner, L.L.C., et al.,  
Defendants.

-----X  
The Athena Group, L.L.C., et al.,  
Third-Party Plaintiffs-Respondents,

-against-

Third-Party  
Index No. 590638/06

Eastern Exterior Wall Systems, Inc.,  
Third-Party Defendant-Appellant/  
Third-Party Defendant-Respondent-  
Appellant,

Exterior Erectors Services, Inc.,  
Third-Party Defendants-Respondents/  
Third-Party Defendant-Appellant-  
Respondent.

-----X  
(And other actions)

-----X

Third-party defendant, Eastern Exterior Wall Systems, Inc., having moved for consolidation of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 20, 2010, and the appeal and cross appeal taken from the order of said Court, entered on or about October 20, 2010, and for an enlargement of time in which to perfect the appeal taken from the order entered on or about April 20, 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 permitting appellants to prosecute the consolidated appeals and cross appeal upon 9 copies of one record and of one set of appellant's points covering said appeals. The time to perfect the consolidated appeals and cross appeal is enlarged to the October 2011 Term. The attention of the parties is directed to Rule 600.11 with respect to, inter alia, a joint record and costs thereof.

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 17, 2011.

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

-----X  
East 115<sup>th</sup> Street Realty Corp.,  
Plaintiff-Respondent-Respondent,

-against-

M-6156

M-24

Focus & Struga Building Developers  
LLP, et al.,  
Defendants,

Index No. 604164/07

Great American Insurance Company  
of New York,  
Defendant-Respondent-Respondent,

Abad Consulting,  
Defendant-Appellant-Respondent,

I. Arthur Yanoff & Co.,  
Defendant-Respondent-Appellant.

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

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 12, 2010 (mot. seq. no. 003),

And defendant-appellant, Abad Consulting, having moved for an order enlarging the time in which to perfect its appeal (M-6156),

And defendant-appellant, I. Arthur Yanoff & Co., having cross-moved for an order enlarging the time in which to perfect its cross-appeal (M-24),

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 motions (M-6156/M-24) are granted to the extent of enlarging the time in which to perfect the appeal and cross-appeal to 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 17, 2010.

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

-----X  
Great American Insurance Companies,  
et al.,  
Plaintiffs,

-against-

M-5660  
Index No. 103565/08

Bearcat Financial Services, Inc.,  
et al.,  
Defendants.

-----X  
Patrick Hayes,  
Third-Party Plaintiff-Appellant,

-against-

Third Party  
Index No. 590789/09

Dresdner, Kleinwork, Wasserstein  
Services, LLC,  
Third-Party Defendants-Respondents.

-----X

Third-party plaintiff Patrick Hayes having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 3, 2010 (mot. seq. no. 006),

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

It is ordered that the motion is denied, and the interim relief granted by a Justice of this Court on November 12, 2010 is 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 17, 2011.

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

-----X  
The People of the State of New York  
ex rel. Bernard Deveaux,  
Petitioner,

-against- M-6040  
Ind. No. 250763/08

Steve Rabinowitz, Executive Director,  
Manhattan Psychiatric Center,  
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court, and for leave to prosecute said proceeding as a poor person,

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 dismissed, without prejudice to further proceedings in the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, in conjunction with a pending Mental Hygiene Law Article 10 proceeding involving Petitioner in said Court.

The motion is otherwise denied as academic.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 17, 2011.

PRESENT: Hon. David Friedman, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

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

Joseph S.,  
Petitioner-Appellant,  
  
-against-

M-101  
Docket Nos. V-25197/09  
V-25198/09

Diane M.-S.,  
Respondent-Respondent.  
-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about December 8, 2009,

And petitioner-appellant having moved for an enlargement of time in which to perfect the 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 enlarging the time in which to perfect the appeal to on or before July 11, 2011 for the September 2011 Term.

ENTER:

  
CLERK

**CORRECTED ORDER FEBRUARY 22, 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 17, 2011.

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

-----X

In the Matter of the Application of

Farrin B. Ullah,  
Petitioner,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-3196A  
Index No. 301223/00

-against-

Judge Sara Lee Evans,  
Respondent.

-----X

Petitioner having moved for an order of this Court, in the nature of a writ of mandamus, against the Honorable Sara Lee Evans and for leave to prosecute this proceeding as a poor person, 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 that petitioner is permitted to dispense with payment of the required fees, and the motion is adjourned to March 23, 2011. The order of this Court entered on October 7, 2010 (M-3196) 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 17, 2011.

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

-----X  
Adam Belok,  
Petitioner-Appellant,

-against-

M-106  
Index No. 106944/09

New York City Department of Housing  
Preservation and Development, et al.,  
Respondents-Respondents.

-----X

Appeals having been taken to this Court by petitioner-appellant from the judgment of the Supreme Court, New York County, entered on or about December 29, 2009 and from the order of said Court, entered on or about November 15, 2010 (mot. seq. no. 002), respectively,

And petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the aforesaid judgment and for the 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 enlarging the time to perfect the appeal from the aforesaid judgment to on or before March 21, 2011 for the June 2011 Term, and consolidating the aforesaid appeals, and permitting the appellant to prosecute the consolidated appeals upon 9 copies of one record and one set of appellant points covering the consolidated appeals for the aforesaid June 2011 Term. The attention of the parties is directed to 22 NYCRR § 600.11.

E N T E R:

  
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-5859  
Ind. No. 4422/05

-against-

CERTIFICATE  
DENYING LEAVE

Eugene Hamilton,

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 26, 2010 is hereby denied.

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

Dated: February 9, 2011  
New York, New York

ENTERED: February 17, 2011

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

BEFORE: **Hon. Angela M. Mazzarelli**,  
Justice of the Appellate Division

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

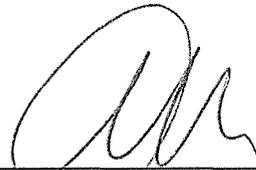
-against-

David Carter,

Defendant.  
-----X

M-5586  
Ind. No. 2782/92  
4542/92  
CERTIFICATE  
DENYING LEAVE

I, Angela M. Mazzarelli, 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 (Seth L. Marvin, J.), entered on or about September 14, 2010, is hereby denied.



Justice

Dated: New York, New York  
, 2011

ENTERED: February 17, 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-4829  
Ind. No. 12131/91

-against-

CERTIFICATE  
DENYING LEAVE

Isidoro Medina-Deleon,

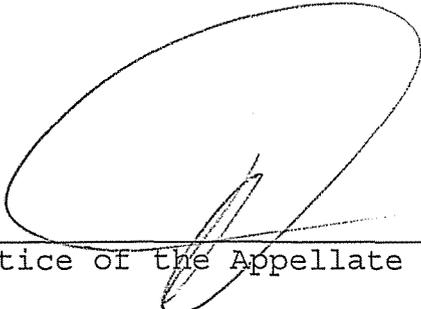
Defendant.

-----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, (Marcy L. Kahn, J.), entered on or about August 13, 2010 which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
January 25, 2011

ENTERED: February 17, 2011

  
Justice of the Appellate Division

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

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

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

John W.,  
Petitioner-Respondent,

M-5139  
Docket Nos. V5924/06  
V7821/06

-against-

Melissa G.,  
Respondent-Appellant.  
-----X

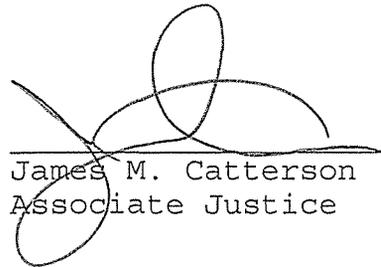
Respondent-appellant having moved for a stay of the custody order of the Family Court, New York County, entered on or about September 14, 2010, pending hearing and determination of the appeal taken therefrom,

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.

Dated: New York, New York

Entered: February 17, 2011

  
\_\_\_\_\_  
James M. Catterson  
Associate Justice