

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 22, 2011.

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

-----X
Manhattan Properties I, LLC, doing
business as Manhattan Properties
Company,

Plaintiff-Appellant,

M-386
Index No. 600924/09

-against-

Park B. Smith, Inc.,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 23, 2009,

Now, upon reading and filing the stipulation of the parties hereto, filed January 26, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 2010 Term, is withdrawn in accordance with the aforesaid stipulation.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 22, 2011.

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

-----X
Merrill Lynch Capital Markets
AG, et al.,

Plaintiffs-Respondents,

-against-

Controladora Comercial Mexicana,
S.A.B. DE C.V.,

Defendant-Appellant.
-----X

M-394X
Index No. 603214/08

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 18, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2011.

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

-----X

Barclays Bank PLC,
Plaintiff-Respondent,

-against-

M-395X
Index No. 603233/08

Controladora Comercial Mexicana,
S.A.B. DE C.V.,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 18, 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 22, 2011.

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

-----X

Fosina Marketing Group, Inc.,

Plaintiff-Respondent,

-against-

Scholastic, Inc.,

Defendant-Appellant.

-----X

M-398X
Index No. 601504/07

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 23, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 26, 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 22, 2011.

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

-----X
Ruth Oshins,
Plaintiff-Appellant,

-against-

M-375
Index No. 105098/08

99 John St., LLC, et al.,
Defendants-Respondents.

-----X
99 John St., LLC, et al.,
Third-Party Plaintiffs-
Respondents,

-against-

Third-Party
Index No. 590654/08

The City of New York,
Third-Party Defendant-
Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 21, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed January 26, 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 22, 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-146
Ind. No. 1952/10

Rodney Dingle,
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 October 14, 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 22, 2011.

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

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

-against-

M-149
Ind. No. 1783N/09

James French,
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 8, 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 22, 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-151
Ind. No. 1708/10

Ricardo Gamez,
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 September 30, 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 22, 2011.

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

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

-against-

M-153
Ind. No. 1/10

Stanley Griffin,
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 13, 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 22, 2011.

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

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

-against-

M-154
Ind. Nos. 1810/10
3387/10

Germaine Kumnji,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgments of the Supreme Court, New York County, both rendered on or about October 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.

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 22, 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-158
Ind. No. 1064/10

Cesar Romero,
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 October 5, 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 22, 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-159
Ind. No. 3229/09

Eric Santiago,
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 October 28, 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 22, 2011.

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

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

-against-

M-162
Ind. No. 591/10

Christian Wannamaker,
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 October 13, 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 22, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-7

Ind. No. 2308/08

Ross Campbell,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 23, 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, in compliance with CPLR 1101(a), setting forth the amount and sources to pay for trial counsel, Joseph S. Garafola, Esq., and an explanation as to why similar funds are not available to prosecute this appeal. (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 22, 2011.

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

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

-against-

M-145
Ind. No. 4270/03

Thomas Daniels,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about November 3, 2010, for leave to prosecute the appeal as a poor person, 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 granted only to the extent of deeming the notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, 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.

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 22, 2011.

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

-----X
Howard Jackson, etc., et al.,
Plaintiffs-Respondents,

-against-

M-251
Index No. 11313/96

City of New York, et al.,
Defendants,

-and-

New York City Transit Authority,
et al.,
Defendants-Appellants.

-----X

Defendant-appellants having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, Bronx County, entered on or about March 24, 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 on or before March 21, 2011 for 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 22, 2011.

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

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

-against-

M-6306
Ind. No. 4862/06

Richard Allende,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence 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, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of resentence. 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.

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 22, 2011.

Present: Hon. Luis A. Gonzalez,
Angela M. Mazzarelli
Rolando T. Acosta
Nelson S. Román,

Presiding Justice,

Justices.

-----X
Mt. McKinley Insurance Company,
formerly known as Gibraltar Casualty
Company and Everest Reinsurance
Company, formerly known as Prudential
Reinsurance Company,

SEALED

M-5927

Index No. 602454/02

Plaintiffs-Appellants,

-against-

Corning Incorporated, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 14, 2010, and said appeal having been perfected for the April 2011 Term,

And plaintiffs-appellants having moved for an order permitting certain documents in the record on appeal to be filed under seal,

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 all documents identified in Exhibits C through G of the motion papers, inclusive, to be filed under seal in a separate supplemental record on appeal. Plaintiffs' are directed to expeditiously serve and file 9 copies of said supplemental record on appeal with the Clerk of this Court for said 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 22, 2011.

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

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

-against-

M-126
Ind. No. 2810/10

Rafael Irizarry,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about July 14, 2010, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 22, 2011.

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

-----X
Sarah Schottenstein,

Plaintiff-Appellant,

-against-

M-6338
Index No. 600661/07

Windsor TOV, LLC, a Delaware Limited
Liability Corporation, et al.,

Defendants-Respondents.
-----X

An order of this Court having been entered on September 21, 2010 (M-3675), inter alia, deeming the appeal herein to be one from the judgment of the Supreme Court, New York County, entered May 17, 2010, bringing up for review orders of the same Court entered June 17, 2009 and April 8, 2010, respectively and granting appellant leave to perfect on a single record and set of briefs,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal and to enlarge the record on appeal to include certain new evidence,

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

It is ordered that the motion is granted only to the extent of enlarging the time in which to perfect the appeal to the June 2011 Term, and 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 22, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-5604
Ind. No. 1342/07

Joaquin Bustamante,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 23, 2009 (Appeal No. 899), unanimously affirming a judgment of the Supreme Court, New York County (Bonnie Wittner, J.), rendered on September 7, 2007,

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

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

It is ordered that said application is denied.

ENTER:


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 22, 2011.

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

-----X
Thomas A. Pollak,
Plaintiff-Appellant,

-against-

M-6155
Index. No.650281/08
Action No. 1

Peter Moore, et al.,
Defendants-Respondents.

-----X
The Patriot Group, LLC,
Plaintiff-Respondent,

-against-

197 10th Avenue LLC, et al.,
Defendants,

Index No. 102096/09
Action No. 2

-and-

504 West 22nd St., Corp., et al.,
Defendants-Appellants.

-----X
Appeals having been taken to this Court by defendants-appellants from the judgments of the Supreme Court New York County, entered on or about September 14, 2010 (Action No. 1) and September 16, 2010 (Action No. 2), respectively,

And defendant-appellants having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of directing the Clerk to calender the appeals for hearing together in the Term for when they are perfected. The time to perfect the appeals is enlarged to on or before March 21, 2011 for 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 22, 2011.

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

-----X
David G.,
Plaintiff-Appellant,

-against-

M-6342
Index No. 302759/03

Rachel G.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 22, 2009 (mot. seq. no. 009),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before March 21, 2011 for the June 2011 Term.

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 22, 2011.

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

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

-against-

M-6344
Ind. No. 1377/86

Tyrone Hunter,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Patricia Nuñez, J.) entered on or about October 14, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant 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(b)(2) of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Nuñez as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 22, 2011.

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

-----X
In re Afshin Zartoshti,
Petitioner-Appellant,

-against-

Columbia University,
Respondent-Respondent.

M-127
Index No. 104231/09

-----X

Petitioner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 7, 2010 (Appeal No. 3810),

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 22, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
R&R Capital LLC, et al.,
Plaintiffs-Appellants,

-against-

Linda Merritt, etc.,
Defendant-Respondent.

M-6195
Index No. 604080/05

- - - - -
Hogan & Hartson, LLP,
Intervenor-Appellant.

-----X

Defendant-respondent Linda Merritt having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 18, 2010 (Appeal No. 3639),

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 22, 2011.

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

-----X

In re BDO USA, LLP,
Petitioner-Appellant,

-against-

M-4

M-80

Index No. 601279/10

Denis M. Field,
Respondent-Respondent.

-----X

Petitioner-appellant having moved (M-4) 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 December 21, 2010 (Appeal No. 3942-3942A),

And respondent-respondent having cross moved (M-80) to vacate an order of this Court (M-3720) entered September 7, 2010, granting a stay of all proceeding pending hearing and determination of the aforesaid appeal taken from orders of the Supreme Court, New York County, entered on or about July 13, 2010 (mot. seq. nos. 001 & 002),

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-4) is denied. The cross-motion (M-80) is 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 22, 2011.

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

-----X
Allison Yusefa Hugh,

Plaintiff-Respondent,

-against-

Ferdinand Ofodile, M.D.,

Defendant-Appellant.
-----X

M-430
Index No. 20473/05

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about January 5, 2010,

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

It is ordered that the motion is granted 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 22, 2011.

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

-----x
In the Matter of Yolanda Moorjaney,

Petitioner-Appellant,

-against-

M-59

Index No. 113794/08

Department of Education, etc.,

Respondent-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 10, 2009,

And respondent-respondent having moved for leave to strike appellant's appendix on appeal, with leave to serve a proper appendix, for adjournment of the aforesaid appeal, 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 striking appellant's appendix, with leave to appellant to serve and file a proper appendix, inclusive of the full hearing transcripts and all exhibits, for the June 2011 Term, to which Term the appeal is adjourned. 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 22, 2011.

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

-----X
Shirley A. Zuri McKie,

Plaintiff-Appellant,

-against-

M-69
Index No. 103038/09

Laguardia Community College/CUNY,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order and judgment of the Supreme Court, New York County, entered on or about November 13, 2009 and February 23, 2010, respectively,

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 22, 2011.

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

-----X
Galerie Rienzo, Ltd.,

Plaintiff-Respondent,

-against-

Frank M. Lobacz, M.D.,

Defendant-Appellant.
-----X

M-53
Index No. 111701/06

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about March 19, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 22, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

Ben Barrow, et al.,
Plaintiffs-Appellants,

-against-

M-68
Index No. 603704/07

Lenox Terrace Development Associates,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 7, 2010 (Appeal No. 3790),

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 22, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Walter Reavely, et al.,
Plaintiffs-Respondents,

-against-

M-467
Index No. 114023/07

Yonkers Raceway Programs, Inc.,
et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 30, 2010,

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

It is ordered that the motion is granted.

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 22, 2011.

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

-----x
Jane Wheeler, also known as
Jane Gladstone,
Plaintiff-Respondent,

-against-

M-5760
M-168
Index No. 300662/08

Robert C. Wheeler,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 9, 2010,

And interim relief having been granted by a Justice of this Court on November 19, 2010, inter alia, staying defendant-appellant's incarceration pending hearing and determination of the aforesaid appeal,

And defendant-appellant having moved for a stay of enforcement of the order pending hearing and determination of the appeal taken therefrom (M-5760),

And plaintiff-respondent having cross-moved for dismissal of the aforesaid appeal, and for other relief (M-168),

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

It is ordered that the motion (M-5760) is granted only to the extent of continuing, pending hearing and determination of the appeal, the interim relief granted by the order of a Justice of this Court on November 19, 2010, and the motion is otherwise denied. The cross motion (M-168) is denied, as moot.

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 22, 2011.

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

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

-against-

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

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

-----X
Defendants-respondents, Davis Polk & Wardwell, Ogden Lewis and Lawrence Jacobs, having moved (M-5741) for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 15, 2010, as untimely taken (CPLR 5513[a]),

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

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

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

It is ordered that the motions (M-5741A/M-5751A/M-5871A) are granted and the appeal is dismissed. (The order of this Court entered on February 3, 2011, 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 22, 2011.

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

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

-against-

M-21
Ind. No. 3983/06

Hector Perez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Renee White, J.) entered on or about October 19, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant 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(b)(2) of the Rules of this Court.

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice White as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 22, 2011.

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

-----X
Rhonda Epstein,

Plaintiff-Respondent-Appellant,

-against-

Scott Epstein,

Defendant-Appellant-Respondent,
-----X

M-287
Index No. 304191/95

Appeals and a cross appeal having been taken from orders of the Supreme Court, New York County, entered on or about April 6, 2010 (mot. seq. no. 013) and May 12, 2010 (mot. seq. no. 013), respectively,

And defendant-appellant-respondent 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 and cross appeal, which are, sua sponte, consolidated, to on or before March 21 to the June 2011 Term, and permitting defendant-appellant-respondent to prosecute the consolidated appeals upon nine copies of one record and one set of appellant points covering the consolidated appeals. The attention of the parties 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 22, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Margaret Sweeney,
Plaintiff-Appellant,

-against-

M-5233
Index No. 25009/05

Riverbay Corporation,
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 14, 2010 (Appeal No. 1969),

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 22, 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,
Respondent,

-against-

M-45
Ind. No. 653/06

Richard Padilla,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 23, 2010 (M-3885), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 1, 2007,

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

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before March 21, 2011 for the June 2011 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 22, 2011.

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

-----X
The Education Resources
Institute, Inc.,

Plaintiff-Respondent,

-against-

M-6330
Index No. 305765/09

Frederick Hawkins,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from order of the Supreme Court, Bronx County, entered on or about April 19, 2010,

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

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

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 22, 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,
Respondent,

-against-

M-193
Ind. No. 10096/95

Esau Staley,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Carol Berkman, J.) entered on or about October 15, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Berkman as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 22, 2011.

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

-----X
Anthony Chimento, et al.,
Plaintiffs-Respondents/
Cross-Appellants,

-against-

M-357X
Index No. 650112/09

EUIC Holdings, Ltd., et al.,
Defendants-Appellants/
Cross-Respondents.

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

Appeals having been taken from an order and judgment of the Supreme Court, New York County, entered on or about July 20, 2010 (mot. seq. no. 005) and June 8, 2010, respectively,

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 appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

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,

M-5475
Ind. No. 14326/89

-against-

CERTIFICATE
DENYING LEAVE

James Taylor a/k/a Anpu Unnefer Amen,

Defendant.

-----X

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, New York County (Marcy L. Kahn, J.), entered on or about July 2, 2010, is hereby denied.


Justice

Dated: New York, New York
, 2011



FEB 22 2011

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-83
Ind. No. 2690/2004

-against-

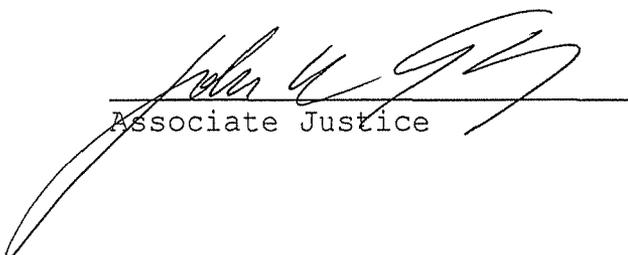
CERTIFICATE
DENYING LEAVE

Paramanand Budhoo,

Defendant.

-----X

I, John W. Sweeny, Jr., 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 December 3, 2010 (George R. Villegas, J.) is hereby denied.


Associate Justice

Dated: February 9, 2011
New York, New York

ENTERED: FEB 22 2011

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

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

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

M - 22
Ind. No. 6120/85

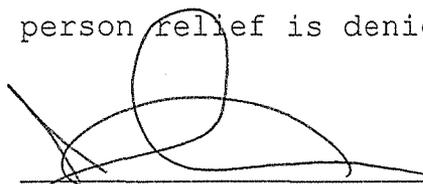
-against-

CERTIFICATE
DENYING LEAVE

Martin Hodge

Defendant.

-----X
I, James M. Catterson, 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 October 15, 2010 is hereby denied. So much of the motion which seeks poor person relief is denied as moot.



Associate Justice

Dated: January 31, 2011
New York, New York

ENTERED: **FEB 22 2011**

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M-5615
Ind. No. 1325/2004

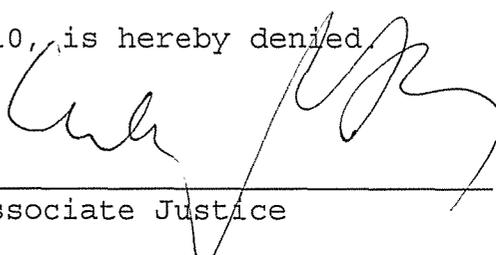
-against-

CERTIFICATE
DENYING LEAVE

Thomas Barnes

Defendant.
-----X

I, Karla Moskowitz, 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 that ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the orders of the Supreme Court, New York County, entered on or about September 20, 2010, is hereby denied.



Associate Justice

Dated: _____, 2011
New York, New York

ENTERED: FEB 22 2011

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

BEFORE: Hon. Sheila Abdus-Salaam
Justice of the Appellate Division

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

M - 97
Ind. No. 2209/04

-against-

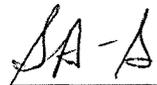
CERTIFICATE
DENYING LEAVE

Lamaar Pleasant

Defendant.

-----X

I, Sheila Abdus-Salaam, 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 December 6, 2010 is hereby denied.



Associate Justice

Dated: February 9, 2011
New York, New York

ENTERED: FEB 22 2011

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

BEFORE: Hon. Sheila Abdus-Salaam
Justice of the Appellate Division

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

M - 111
Ind. No. 5180/03

-against-

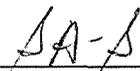
CERTIFICATE
DENYING LEAVE

Derrick Bostic

Defendant.

-----X

I, Sheila Abdus-Salaam, 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 December 21, 2010 is hereby denied.



Associate Justice

Dated: February 7, 2011
New York, New York

ENTERED: FEB 22 2011