

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 24, 2011.

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

-----X

Hahn & Hessen LLP,

Plaintiff-Appellant,

-against-

M-330X

Index No. 603122/08

Ian Peck, individually and as
Executor of the Estate of Joan Peck,
et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 14, 2010 (mot. seq. nos. 004 and 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 21, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X

Lauren E. Swart, et al.,

Plaintiffs-Respondents,

-against-

M-332X

Index No. 107968/09

General Electric Company, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 12, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 21, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
Fred Vays, individually and as a
member of Sycamore Development Group,
LLC and 139 Emerson Place LLC,

Plaintiff-Appellant,

M-70

Index No. 400833/08

-against-

139 Emerson Place, LLC, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 26, 2010 (mot. seq. nos. 001 and 002),

And plaintiff-appellant having moved to withdraw the pending appeal,

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

It is ordered that the motion is granted and the appeal is deemed withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
Federal Deposit Insurance Corporation
as receiver on IndyMac Bank, FSB,
Plaintiff-Respondent,

-against-

M-449
Index No. 403764/06

Joseph Lamattina, et al.,
Defendants,

Victory State Bank,
Defendant-Appellant,

John Does "1" through "10",
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 15, 2010 (mot. seq. no. 021),

Now, upon reading and filing the stipulation of the parties hereto, dated October 25, 2010, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
Third Lenox Terrace Associates,
Petitioner-Landlord-Respondent,

-against-

M-3705
Index No. 570287/08

Cynthia Edwards,
Respondent-Tenant-Respondent,

-and-

Linda Edwards,
Respondent-Appellant.

-----X
An order of this Court having been entered on February 9, 2010 (M-5862), granting respondent Linda Edwards leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 26, 2009, and for leave to have said appeal heard on the original record and upon a reproduced appellant's brief,

And petitioner-landlord having moved for an order vacating any stay afforded respondent-appellant by the aforesaid order of this Court,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for petitioner-landlord, dated July 29, 2010, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
Ocelot Capital Management, LLC,
Plaintiff-Respondent,

-against-

M-6235

Index No. 602838/09

Isaac Hershkovitz,
Defendant.

Eldan-Tech Ltd. and Eldan-Tech, Inc.,
Non-Party Appellants.

Eldan Tech, Inc., in the right and
name of Ocelot Portfolio Holdings, LLC,
Plaintiff-Appellant,

-against-

Index No. 651101/10

Ocelot Capital Management, LLC,
Defendant-Respondent,

-and-

Ocelot Portfolio Holdings, LLC,
Nominal Defendant.

-----X

An order of this Court having been entered on January 6, 2011 (M-5832), granting the above-named "Elden" appellants an enlargement of time in which to perfect their consolidated appeals from orders of the Supreme Court, New York County, entered on or about July 13, 2010 and from the judgment of said Court entered on or about July 15, 2010 to the June 2011 Term,

And the aforesaid "Elden" appellants having moved for an order enlarging the time in which to perfect their consolidated appeals,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for the "Elden" appellants, dated January 7, 2011, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence, said relief having been granted by the order of this Court entered on January 6, 2011 (M-5832).

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 24, 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-95
Ind. Nos. 5772/93
4443/93

Luis Sanchez, also known as
Pedro Martino,
Defendant-Appellant.

-----X

The People having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 1, 2010,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
In the Matter of

Kharyn Lashea Miracle O., also
known as Kharyn O.,

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

M-336
Docket No. B4076/08

Lutheran Social Services of
New York, et al.,
Petitioners-Respondents,

Karen Michelle O., also known as
Karen O.,
Respondent-Appellant.

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

Petitioners-respondents having moved for an order dismissing respondent-appellant's appeal taken from the order of the Family Court, New York County, entered on or about March 3, 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 to dismiss the appeal is granted unless the appeal is perfected on or before March 21, 2011 for the June 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 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
ex rel. Dale Robertson,
Petitioner,

-against-

M-100
Ind. No. 3214/09

JoAndrea Davis, Warden, George
Motchan Detention Center, Rikers
Island Correctional Facility,
Respondent.

-----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 petition is denied, and dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act.

- - - - -
Melind M., also known as
Melina M., also known as
Meline M.
Petitioner-Appellant,

M-49
Docket Nos. O-33613/09
O-3994/09

-against-

Joseph P.,
Respondent-Respondent.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about April 14, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3)

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

permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

E N T E R:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
In the Matter of

Kenneth O. and
Joel O.,

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

Administration for Children's
Services,
Petitioner-Respondent,

M-6291
Docket Nos. NN-25390/09
NN-25391/09

Yvonne O.,
Respondent-Appellant,

-and-

Alberto T.,
Respondent.

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

-----X
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about December 1, 2010, and for assignment of counsel, a free copy of the transcript, and 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 (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, 53 Jackson Avenue, Syosset, New York 117911, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. The motion, to the extent it seeks an enlargement the time to perfect the appeal, is denied as unnecessary.

E N T E R:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 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-75
Ind. No. 793/10

Evan Turner,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 18, 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 of the Rules of this Court.

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 24, 2011.

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

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

George W. C., M-334
Petitioner-Respondent, Docket No. V86827/09

-against-

Christine C.,
Respondent-Appellant.

-----X

An appeal having been sought from the order of the Family Court, New York County, entered on or about December 14, 2010, granting temporary legal custody of subject child to respondent father,

And petitioner-appellant mother having moved for (1) leave to appeal to this Court from "orders of said Family Court, New York County, issued in December 2010", including but not limited to the aforesaid written order entered on December 14, 2010; (2) for a stay of said order entered on December 14, 2010; and (3) for poor person relief if petitioner's request for leave to appeal to this Court is granted,

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 all respects.

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 24, 2011.

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

-----X
In the Matter of

Henry C., and
Isaiah C.,

Children Under 18 Years of Age Alleged
to be Neglected Pursuant to Article 10
of the Family Court Act.

Administration for Children's Services,
Petitioner-Respondent,

M-105
Docket Nos. N14387-8/06

Henry C.,
Respondent-Appellant,

Tapitha C.,
Respondent.

Todd D. Kadish, Esq.,
Attorney for the Children.

-----X
Appeals having been taken to this Court by respondent-appellant from orders of the Family Court, Bronx County, entered on or about April 20, 2009, November 2, 2009, April 13, 2010 and October 14, 2010, respectively, said appeals having been consolidated by an order of this Court (M-5704) entered February 3, 2011,

And retained counsel, Ira J. Landsman, Esq., having moved for an order relieving him as appellate counsel for the subject children,

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 unnecessary, Todd, D. Kadish, Esq., having been previously appointed counsel for the subject children for the purposes of responding to the consolidated appeals in the aforesaid order of this Court (M-5704) entered February 3, 2011, and in the order of this Court (M-4421) entered November 24, 2009.

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 24, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Carol Taveroni and Joseph Taveroni,
Plaintiff-Respondent,

-against-

1501 First Equities, LLC, et al.,
Defendants-Appellants.

M-5077
Index No. 112692/08

-----X

Defendant-appellant 1501 First Equities, LLC having moved for affirmative relief denied by a Justice of Supreme Court, New York County, entered on or about October 6, 2010,

Now, upon reading and filing the papers with respect to the motion including the correspondence from the offices of Thomas M. Bona, P.C., attorney for defendant-appellant, and due deliberation having been had thereon,

It is ordered that the motion is withdrawn said matter having been settled.

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 24, 2011.

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

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

-against-

M-109
Ind. No. 20066/10

Jerald Miller,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about September 10, 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 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 24, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

Ted Johnson,

Defendant-Appellant.

-----X

M-73

Ind. Nos. 4078/01

4664/01

6996/01

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 17, 2009,

And defendant's counsel, Edward Land, Esq., having moved for an order which would recuse a certain Justice of this Court from considering the present appeal or participating in the appeal panel,

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 24, 2011.

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

-----X
Marva Boothe,

Plaintiff-Respondent,

-against-

M-5445X

Index No. 23462/01

Manhattan and Bronx Surface Transit
Operating Authority, New York City
Transit Authority and David E. Spruill,
Defendants-Appellants,

Luis J. Valesquez and Joe Costas,
Defendants-Appellants.

-----X

Appeals having been taken from the judgment of the Supreme Court, Bronx County, entered on or about August 2, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 1, 2010, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation. (See M-4171, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
Marva Boothe,
Plaintiff-Respondent,

-against-

M-4171
Index No. 23462/01

Manhattan and Bronx Surface Transit
Operating Authority, New York City
Transit Authority and David E. Spruill,
Defendants-Appellants,

Luis J. Valesquez and Joe Costas,
Defendants-Appellants.

-----X

Appeals having been taken from the judgment of the Supreme Court, Bronx County, entered on or about August 2, 2010,

And plaintiff-respondent having moved for an order striking defendants' appeals and for other relief,

Now, upon reading and filing the papers with respect to the motion, and upon reading and filing the papers with respect to the related motion (M-5445X), and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the related order (M-5445X). (See M-5445X, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
MAZAL-485, LLC,
Plaintiff-Appellant,

-against-

M-3974
Index No. 600262/10

Green 458 Holdings LLC, et al.,
Defendants-Respondents.
-----X

Defendants-respondents having moved for dismissal of the appeal taken from order of the Supreme Court, New York County, entered on or about June 23, 2010,

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated December 31, 2010, and due deliberation having been had thereon,

It is ordered that the motion and the appeal are withdrawn in accordance with the terms of the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
Cleopatra Rosioreanu,

Petitioner-Appellant,

-against-

M-5965
Index No. 116796/08

New York City Office of Collective Bargaining,

Respondent-Respondent.
-----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 November 4, 2010 (Appeal No. 1808),

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 24, 2011.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Robert Morgenthau, District Attorney
of New York County,
Plaintiff-Respondent,

-against-

M-3035
Index No. 401883/09

Riad Khalil, etc.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 11, 2010 (Appeal No. 2783N),

Now, upon reading and filing the papers with respect to the motion, and the correspondence from counsel for defendant-appellant, dated November 8, 2010, and due deliberation having been had thereon,

It is ordered that defendant-appellant's motion is deemed withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Cynthia DiBartolo and John E. Purpura,
Plaintiffs-Respondents-Appellants,

-against-

M-478
Index No. 603576/06

Battery Place Associates, now doing
business as Battery Place Associates,
LLC and Robert R. Lewis,
Defendants-Appellants-Respondents.
-----X

Plaintiffs-respondents-appellants and defendants-appellants-respondents having jointly moved for a stay of trial pending hearing and determination of the appeal and cross appeal taken from the order of the Supreme Court, New York County, entered on or about October 4, 2010 (mot. seq. no. 005),

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 24, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Kimberly Webster,
Petitioner-Appellant,

-against-

M-6086
Index No. 400960/10

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

Petitioner-appellant having moved for a stay of all proceedings pending hearing and determination of the purported appeal taken from the order of the Supreme Court, New York County, entered on or about December 13, 2010,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated December 13, 2010, is hereby 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 24, 2011.

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

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

-against-

M-19
Ind. No. 7348/02

David Anderson,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about November 17, 2010,

And defendant-appellant-respondent having moved for (1) leave to prosecute, as a poor person, his appeal from the aforesaid judgment of **resentence** of the Supreme Court, New York County, rendered on or about November 17, 2010, for leave to have said appeal heard upon the original record and a reproduced appellant's brief, and (2) for leave to respond as a poor person to the People's cross-appeal from the same judgment of **resentence** under the same indictment number, 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 **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.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant-respondent for purposes of both prosecuting the defendant-appellant-respondent's appeal and responding to the People's cross appeal. The time within which this appeal and cross appeal shall be perfected 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 24, 2011.

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

-----X

In the Matter of a Support Proceeding Pursuant to Article 4 of the Family Court Act.

M-6115
M-6157

Falguni P.,
Petitioner-Respondent,

Docket No. F11346-09/09A,B

-against-

Pinakin P.,
Respondent-Appellant.

-----X

An order of this Court having been entered on June 22, 2010 (M-2188) granting defendant leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about April 5, 2010, and assigning Neal D. Futerfas, Esq., as counsel to prosecute the appeal,

And defendant having moved, by separate motions, for an order relieving assigned counsel and to substitute other counsel to prosecute the appeal, to enlarge the record on 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 striking the designation of assigned counsel Neal D. Futerfas, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. 914-949-8214, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later. The motion, to the extent it seeks to enlarge the record on appeal is denied.

E N T E R:

Susan Rojas
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
In the Matter of Guardianship of

Nadine L.; Natalie L.,

Dependent Children under 18 Years
of Age Pursuant to §384-b
of the Social Services Law,

Edwin Gould Services for Children
and Families,
Petitioner-Respondent,

M-338
Docket Nos. B-11269-70/06

Joseph L.,
Respondent-Appellant,

Kristen Kimmel, Esq.,
Lawyers for Children, Inc.,
Attorney for the Children.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about September 12, 2008,

And respondent-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before March 21, 2011 for the June 2011 Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
Aurelia Bernardez,
Plaintiff-Respondent,

-against-

M-299
Index No. 302836/09

Mame Y. Babou and Touba Corporation,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 15, 2010, and said appeal having been perfected,

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 24, 2011.

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

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

-against-

M-60
Ind. No. 906/05

Elio Cruz,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 13, 2005, and said appeal having been perfected,

And respondent having moved for an order striking defendant's brief and appeal,

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

Ordered that the motion is denied, without prejudice to the People raising the issues on the appeal which is adjourned to the June 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
Jason D. Carter,

Plaintiff-Appellant,

-against-

Broadway 48th - 49th Street Associates,
a New York Limited Partnership, et al.,

Defendants-Respondents.
-----X

M-243
M-341
Index No. 103678/03

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 23, 2010 and from the judgment of said Court, entered on or about September 29, 2010, respectively,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal (M-243),

And defendants-respondents having cross-moved to compel plaintiff to comply with the stipulation of the parties, dated December 14, 2010, requiring plaintiff to perfect said appeal for the April 2011 Term (M-341),

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 plaintiff's motion (M-243) is granted to the extent of enlarging the time in which to perfect the appeal to on or before March 21, 2011 for the June 2011 Term, with no further enlargements to be granted. Defendants-respondents cross motion (M-341) 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 24, 2011.

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

-----X

In the Matter of the Application of

James J. Wrynn, Superintendent of Insurance of the State of New York, for an order of rehabilitation of

M-217

Index No. 402424/10

Atlantic Mutual Insurance Company and Centennial Insurance Company,

Frank DeMartino,
Claimant.

-----X

Claimant, Frank DeMartino, having moved for an order, pursuant to CPLR 5704(a), of this Court granting certain relief denied by a Justice of the Supreme Court, New York County, on or about January 14, 2011,

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

Ordered that the motion is denied.

ENTER:


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 24, 2011.

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

-----X
The People of the State of New York
ex rel. Sahim Lucas,
Petitioner,

-against-

M-238
Index No. 340764/10

Robert Cripps, Warden, Anna M. Kross
Center,
Respondent.

-----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 24, 2011.

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

-----X
IDX Capital LLC, James Cawley, Helen
Cawley, James Cawley, Sr., Brady Halper,
Ron Neal, Bhanu Patel and Starlight
Investments, Ltd.,
Plaintiffs-Respondents,

-against-

M-4730
M-4914
Index No. 102806/07

Phoenix Partners Group LLC, Phoenix
Partners Group LP, Nicholas Stephan,
Marcos Brodsky and Patrick Nihan,
Defendants-Appellants,

Wesley Wang,
Defendant-Appellant,

Interdealer Information Technologies,
LLC, Jason Horowitz and Terence Solomone,
Defendants.

-----X

Separate appeals having been taken from the order of the Supreme Court, New York County, entered on or about June 8, 2010,

And plaintiffs-respondents and defendants-appellants having separately moved (M-4730/M-4914) for a stay of trial pending hearing and determination of the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion and cross motion and the stipulation between the parties dated November 2, 2010, and due deliberation having been had thereon,

It is ordered that the motion and cross motion (M-4730/M-4914) are withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

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

-----X
Cancer Clinics of Excellence, LLC
and CCE Partners, LLC,
Plaintiffs-Respondents,

-against-

M-6280
Index No. 652124/10

McKesson Corporation and McKesson
Specialty Care Distribution Joint
Venture LP formerly known as
Oncology Therapeutics Network Joint
Venture, LP,
Defendants-Appellants.

-----X
Defendants-appellants having moved for a stay of proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 21, 2010, and for related relief,

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated December 29, 2010, and due deliberation having been had thereon,

It is ordered that the motion and appeal are withdrawn, said matter having been settled.

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 24, 2011.

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

-----X
Jose Ricardo Aguaiza, et al.,
Plaintiffs-Respondents-Appellants,

-against-

Vantage Properties, LLC, et al.,
Defendants-Appellants-Respondents,

M-1015
Index No. 105197/08

Neil Rubler, et al.,
Defendants.

-----X

Plaintiffs-respondents-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 7, 2010 (Appeal No. 1527),

Now, upon reading and filing the papers with respect to the motion including the correspondence dated October 5, 2010, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn pursuant to the aforesaid correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 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-16
Ind. No. 7107/09

Eugene Hutchinson,
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 October 28, 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

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 ten reproduced 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 any proceedings pursuant to CPL §210.10, 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.

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 24, 2011.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Helen E. Freedman
Rosaly'n H. Richter, Justices.

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

-against-

M-18
Ind. No. 4451/07

Victor Perez,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 11, 2009,

And defendant having moved for an order enlarging the record on appeal to include a certain Forensic Psychology Report,

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 defendant is directed to expeditiously serve and file 8 copies of the aforesaid Forensic Psychology Report, dated July 11, 2008, with this Court. The Clerk is directed to accept said reports and maintain them within this Court under "seal".

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 24, 2011.

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

-----X
Susan Fazio and Frank Fazio,
Plaintiffs-Respondents,

-against-

M-6311
Index No. 117080/08

Costco Wholesale Corporation,
Defendant-Appellant.
-----X

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

And plaintiffs-respondents having moved for an order dismissing 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 denied without prejudice to plaintiffs raising the issue in the respondent's brief in opposition to the appeal.

ENTER:


CLERK

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

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

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

M-5747
Ind. No. 6000/06

-against-

CERTIFICATE
GRANTING LEAVE

William Monroe,
Defendant-Appellant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, NY County, entered on or about October 19, 2010.¹

Dated: January 14, 2011
New York, New York

ENTERED FEB 24 2011



Hon. Rolando T. Acosta
Associate Justice

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

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

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

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

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

M-6348
Ind. No. 5188/01

-against-

CERTIFICATE
GRANTING LEAVE

Tyrone Robinson,
Defendant-Appellant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about December 7, 2010.

(See M-6348A, decided simultaneously herewith.)

Dated: January 14, 2011
New York, New York



Hon. Rolando T. Acosta
Associate Justice

ENTERED FEB 24 2011

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 24, 2011.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse
Rolando T. Acosta, Justices.

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

-against-

M-6348A
Ind. No. 5188/01

Tyrone Robinson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about December 7, 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. (See M-6348, decided simultaneously herewith.)

ENTER:


CLERK

PM ORDERS

ENTERED ON

FEBRUARY 24, 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 24, 2011.

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

-----X

Lillian Roberts, etc., et al.,
Plaintiffs-Appellants,

-against-

M-470

Index No. 116602/10

David A. Patterson, etc., et al.,
Defendants-Respondents.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 19, 2011,

And an order of a Justice of this Court having been issued on February 1, 2011 granting interim relief, which inter alia, directed defendants-respondents to resume payments of certain premiums and to reinstate certain retirement health insurance coverage,

And plaintiffs-appellants having moved for relief in the nature of a preliminary appellate injunction directing defendants-respondents to maintain the aforesaid retirement health insurance coverage and supplemental benefits, pending hearing and disposition of the appeal, and for related relief,

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

It is ordered that the motion is granted to the extent of continuing the interim relief granted by a Justice of this Court on February 1, 2011 pending hearing and determination of the aforesaid appeal on condition plaintiffs-appellants perfect the appeal 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 24, 2011.

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

-----X
Octavio Tolentino,
Plaintiff-Respondent,

-against-

M-346
Index No. 115961/04

Looking Glass Associates, L.P.,
doing business as Budget of
Northern New Jersey,
Defendant-Appellant,

Harlyn DeLos Santos,
Defendant.

-----X

Defendant-appellant Looking Glass Associates, L.P.,
doing business as Budget of Northern New Jersey 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
December 28, 2010 (mot. seq. no. 007),

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 24, 2011.

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

-----X
Rafael E. Lemos,
Plaintiff-Respondent,

-against-

M-369
Index No. 103174/07

Giacomo Management, Inc., and "John Doe"
etc.,
Defendants-Appellants.

-----X

Defendant-appellant Giacomo Management, Inc. 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 September 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.

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 24, 2011.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Diane T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

Eyal Zabari, et al.,
Plaintiffs-Respondents,

-against-

M-475

Index No. 601352/08

Doran Zabari, et al.,
Defendants-Appellants.

-----X

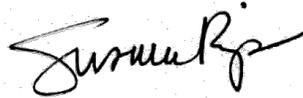
Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about April 19, 2010 (mot. seq. no. 006), the order and judgment of the same court entered on or about August 3, 2010 (mot. seq. nos. 005, 007) and the order of the same Court entered on or about December 14, 2010 (mot. seq. no. 009), respectively,

And defendants-appellants having moved to stay enforcement of the aforesaid orders pending hearing and determination of the appeals,

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

It is ordered that the motion is denied.

ENTER:



Clerk.