

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2011.

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

-----X
Consolidated Edison Company of New York,
Inc.,

Plaintiff-Respondent,

-against-

M-6018X
Index No. 100964/09

Everest Indemnity Insurance Company,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 31, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 7, 2010, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 January 6, 2011.

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

-----X
David Preminger,
Plaintiff-Respondent,

-against-

M-6019X
Index No. 116665/04

Jamaica Estates Holding Corp.,
Defendant-Appellant.

-----X
Mark Labib, et al.,
Third-Party-Plaintiffs-Respondents,

-against-

Jamaica Estates Holding Corp. and
Mark Scheiner,
Third-Party Defendants-Appellants,

Schrier, Fiscella & Sussman, LLC,
Third-Party Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 11, 2010 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 7, 2010, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 January 6, 2011.

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

-----X
Lenore Saracino,
Plaintiff-Respondent,

-against-

M-5909X
Index No. 104263/07

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

-----X

An appeal and cross appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about April 16, 2010,

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

It is ordered that the appeal and cross appeal are 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 January 6, 2011.

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

-----X
Federal Deposit Insurance Corporation,
as Receiver of Indymac Bank, F.S.B.,
Plaintiff-Respondent,

-against-

M-5948
Index No. 403764/06

Joseph LaMattina, etc., et al.,
Defendants,

-and-

Vincent Ancona, et. al.,
Defendants-Appellants.

-----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. 020),

Now, upon reading and filing the stipulation of the parties hereto, dated November 4, 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 January 6, 2011.

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

-----X
Jeanette Acosta and Lourdes Manzueta, M-5914X
Plaintiffs-Appellants,

-against- ACTION NO. 1
Index No. 303804/08

Hunt Enterprises, Inc. and Matthew M.
Hunt,
Defendants-Respondents-Respondents/
Appellants,

Antonia Manzueta-Manzueta, sued
herein as Antonia Manzueta,
Defendant-Appellant.

-----X
Antonia Manzueta-Manzueta,
Plaintiff-Appellant,
-against- ACTION NO. 2
Index No. 304807/08

Hunt Enterprises Inc. and Matthew
M. Hunt,
Defendants-Respondents-Respondents/
Appellants.

-----X
Appeals and a cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 3, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 29, 2010, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeal are withdrawn in accordance with the aforesaid stipulation.

ENTER:

Susan Rojas
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2011.

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

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

Eugene Taylor,
Petitioner,

For the Appointment of A Guardian of
the Person and Property of

M-5375
Index No. 400575/09

Lawrence P. Fraiberg,

An Alleged Incapacitated Person.
-----X

Respondent-guardian Lawrence D. Siegfried having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 12, 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 January 6, 2011.

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

-----X
Emma Pena, as Administrator of the goods,
Chattels and credits of the Estate of
Carlos R. Pena and Emma Pena, as
Administrator of the goods, chattels
and credits of the Estate of Antonia Pena,
Plaintiffs-Appellants,

-against-

M-5394

M-5651

Index No. 27971/01

Pacla Apts., Inc., Park Lane Residence
Company, Grenadier Realty Corp.,
Professional Security Bureau of 1965
Lafayette Avenue, Professional Security
Bureau Ltd., Professional Security
Investigations, Professional Security
Systems,

Defendants-Respondents.

-----X

Defendants-respondents Pacla Apts., Inc. having moved
(M-5394) for dismissal of the appeal taken from the order of the
Supreme Court, Bronx County, entered on or about January 16,
2009,

And defendant-respondent Professional Security Bureau
Ltd. having separately moved (M-5651) for the aforesaid 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 motions are granted and the
appeal is dismissed (M-5394/M-5651).

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 January 6, 2011.

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

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

-against-

M-5523
Ind. No. 3149/04
SCI No. 6165/04

Zhaundu Bradley,
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 October 28, 2010, for leave to have the appeal heard upon 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 to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the 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.

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 January 6, 2011.

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

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

-against-

M-5465
Ind. No. 3630/07

Kashon Ballinger,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about December 29, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 January 6, 2011.

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

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

-against-

M-5530
Ind. No. 3934/02

Michael Martin,
Defendant-Appellant.

-----X
Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, rendered on or about April 30, 2010, **denying resentence**, for leave to have the appeal heard upon 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 to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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 January 6, 2011.

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

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

Respondent,

-against-

M-5472
Ind. No. 645/10

Pedro Sena,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 14, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Salvatore Paszynsky, Esq., to post the \$75,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 January 6, 2011.

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

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

-against-

Shaban Hussein,
Defendant-Appellant.

M-5479
Ind. Nos. 6043/09
1400/10

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about September 8, 2010, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal 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, NY 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 January 6, 2011.

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

-----X
656 Realty, LLC,
Petitioner-Landlord-Appellant,

-against-

M-5114
Index No. 570616/09

Jimmy Cabrera,
Respondent-Tenant-Respondent,

"John Doe" & "Jane Doe",
Respondents-Undertenants.

-----X

Petitioner-landlord-appellant having moved for 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 May 20, 2010,

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

It is ordered that the motion is 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 January 6, 2011.

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

-----X
Cantor Fitzgerald Securities,

Petitioner-Respondent,

For a Judgment Pursuant to Article 75
of the CPLR,

M-5861
Action No. 1
Index No. 105354/10

-against-

Refco Securities, LLC,
Respondent-Cross-Petitioner-Appellant.

-----X

Refco Securities, LLC,
Petitioner-Appellant,

For a Judgment Pursuant to Article 75
of the CPLR,

M-5862
Action No. 2
Index No. 601057/10

-against-

Cantor Fitzgerald Securities,
Respondent-Respondent.

-----X

An appeal having been taken in Action No. 1 from the order and judgment of the Supreme Court, New York County, entered on or about August 9, 2010, and said appeal having been perfected,

And an appeal having been taken in Action No. 2 from the order and judgment of the Supreme Court, New York County, entered on or about August 3, 2010 (mot. seq. no. 002), and said appeal having been perfected,

And the respective respondents in both actions having moved, by separate motions, for a preference in the hearing of the respective appeals to the extent of calendaring the appeals during the January 2011 Term,

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 are 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 January 6, 2011.

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

-----X
In the Matter of the Estate
of H. Kenneth Ranftle,
Deceased,

Richard R. Ranftle, M-6079
Petitioner-Appellant, Index No. 4585/08

J. Craig Leiby,
Respondent-Respondent.
-----X

An appeal having been taken to this Court by the above-named appellant from an order of the Surrogate's Court, New York County, entered on or about July 27, 2010, said appeal having been perfected,

And proposed amicus curiae Attorney General having moved for leave to appear amicus curiae in connection with the aforesaid appeal, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the amicus curiae briefs submitted with the moving papers herein as filed. 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 January 6, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
David B. Saxe
Diane T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X

Avi Aster, et al.,
Plaintiffs-Appellants,

-against-

M-4165

M-4114

H. Stephen Kirschner, et al.,
Defendants,

Index No. 602081/07

Philip L. Chapman, etc., et al.,
Defendants-Respondents.

-----X

Defendant-respondent Philip L. Chapman 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 July 6, 2010 (Appeal Nos. 1432-1433) [M-4165],

And defendant-respondent Lum, Danzis, Drasco & Positan, LLC. having separately moved for leave to appeal to the Court of appeals from the aforesaid decision and order [M-4114],

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 are 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 January 6, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Abetta Boiler & Welding Service, Inc.,
Plaintiff-Respondent,

-against-

M-4702
Index No. 600660/06

American International Specialty
Lines Insurance Company, et al.,
Defendants,

The Amerisc Corp. Insurance and
Financial Services,
Defendant-Respondent-Appellant,

Program Brokerage Corp.,
Defendant-Appellant-Respondent.

-----X

Defendant-respondent-appellant The Amerisc Corp. Insurance and Financial Services having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 10, 2010 (Appeal No. 2849-2850-2850A),

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 January 6, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
James M. Catterson
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

M-5832

-against-

Index No. 603092/09

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 November 9, 2010 (M-4112), inter alia, consolidating the separate appeals taken to this Court by non-party appellants Eldan-Tech Ltd. and Eldan-Tech, Inc. 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, respectively, under Index No. 603092/09,

And plaintiff-appellant Eldan Tech, Inc., in the right and name of Ocelot Portfolio Holdings, LLC, having moved for an order consolidating their appeal from the order of said Court entered on or about November 4, 2010 under Index No. 651101/10, with the appeals consolidated by the order of this Court entered on November 9, 2010 (M-4112),

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 counsel for movant is directed to perfect the consolidated appeals 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 January 6, 2011.

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

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

-against-

M-5635
Ind. No. 11122/92

William Paredes, also known as
Daniel Paez,
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 June 17, 2010, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, 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 **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.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Tel. 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 January 6, 2011.

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

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

-against-

M-5642
Ind. No. 419/10

Lenny J. Suazo,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about September 1, 2010, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, 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, Tel. 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 January 6, 2011.

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

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

-against-

M-5645
Ind. No. 6304/08

Evette Wynn,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 16, 2009, for leave to prosecute the appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, 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, NY 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 January 6, 2011.

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

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

-against-

M-5626
Ind. No. 1330/08

Jason Maxwell Eagan, also known as
Jason Eagan,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about September 24, 2010, for leave to prosecute the appeal as a poor person, upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, insofar as it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$5,000 bail in the Supreme Court, the disposition thereof, 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.)

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 January 6, 2011.

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

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

-against-

M-5193
Ind. No. 43715C/09

Emily Vega,
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, Bronx County, rendered on or about September 20, 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 moving papers a timely filed notice of appeal 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.

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 January 6, 2011.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of

IBN Abdus S.,

A Person Alleged to Be a Juvenile
Delinquent,

M-4262
Docket No. D-26457/09

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute the appeal from the order of the Family Court, Bronx County, entered on or about May 17, 2010, as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted and pursuant to Section 35 of the Judiciary Law, Article 18b of the County Law and Section 1120 of the Family Court Act (1) Michael S. Bromberg, Esq., 44 Hampton St., Sag Harbor, NY 11963, Telephone No. (631)725-0641, is assigned as counsel, for purposes of prosecuting the appeal (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available 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) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


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 January 6, 2011.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, - Justices.

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

-against-

M-4937
Ind. No. 573/07

Anibal Sanchez,
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 April 10, 2008, 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.

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 January 6, 2011.

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

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

Reven W.,

Petitioner-Appellant,

M-5722

Docket No. F-12029-09/10B

-against-

Jenny DeL.,

Respondent-Respondent.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 22, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is 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 January 6, 2011.

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

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

-against-

M-5372
Ind. No. 6000/06

William Monroe,
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, entered on or about October 15, 2010, **denying resentence**, for leave to have the appeal heard upon 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 to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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 January 6, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Abeyakaran Janakan Suppiah,
Plaintiff-Appellant,

-against-

M-4731
Index No. 103367/05

Mark C. Kalish,
Defendant-Respondent.

-----X

Defendant-respondent 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 7, 2010 (Appeal No. 2592),

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 the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of the Supreme Court, as reversed by this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion. The stay of trial afforded defendant-respondent by the order of a Justice of this Court, dated September 21, 2010, is continued pending hearing and determination of the appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2011.

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

-----X

The National Black Theatre Workshop
Incorporated,
Plaintiff-Respondent,

-against-

M-5603
M-5749
Index No. 105906/08

Nubian Properties LLC, et al.,
Defendants-Appellants,

Harlem Apple, LLC,
Defendant-Appellant.

-----X

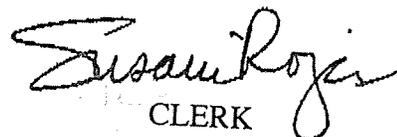
An appeal having been taken by defendants-appellants, Nubian Properties LLC, et al., from the order of the Supreme Court, New York County, entered on or about July 20, 2009; and an appeal having been taken by defendant-appellant, Harlem Apple, LLC, from the judgment of said Court entered on or about August 31, 2009,

And defendants-appellants having moved, by separate motions (M-5603/M-5749), for an enlargement of time in which to perfect their respective appeals,

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 are granted to the extent of enlarging defendants' time in which to perfect their appeals to the May 2011 Term, with no further enlargements to be granted (M-5603/M-5749).

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 January 6, 2011.

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

-----X
Sivan Kinberg,
Plaintiff-Appellant,

-against-

M-5403
Index No. 570739/08

Kate Shnay,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for 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 November 19, 2009,

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

It is ordered that the motion is 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 January 6, 2011.

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

-----X
CWCapital Asset Management LLC,
as Special Servicer for Bank of
America, N.A., as Trustee on behalf
of the registered holders of GS
Mortgage Securities Corporation II,
Commercial Mortgage Pass-Through
Certificates, Series 2007-GG10,
Plaintiff-Respondent,

-against-

M-5810
Index No. 117469/09

Charney-FPG 114 41st Street, LLC,
Defendant-Appellant,

-and-

Ibex Construction Company, LLC,
etc., et al.,
Defendants.

-----X

Defendant-appellant having moved for an order enlarging the time in which to perfect the appeals from orders of the Supreme Court, New York County, entered on or about January 22, 2010 and March 10, 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 appeals, which are, *sua sponte*, consolidated, to the May 2011 Term. Appellants are permitted to prosecute the appeals upon 9 copies of one record and one copy of appellants' points covering the aforesaid appeals. The parties' attention is directed to 22 NYCRR §600.11 of the Rules of this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2011.

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

-----X

Nicky Generoso,
Plaintiff-Respondent,

-against-

M-5928

Index No. 102719/08

New York City Housing Authority, Bri-
Den Construction Co., Inc.,
Defendants-Appellants,

Pro Safety Services LLC and Powers
Bridging and Scaffolding Co., Inc.,
Defendants.

-----X

New York City Housing Authority, Bri-
Den Construction Co., Inc.,
Third-Party Plaintiffs-Appellants,

-against-

Third-Party

Index No. 591027/08

Cooper Plastering Corporation,
Third-Party Defendant-Respondent.

-----X

Defendants-appellants/third-party plaintiffs-appellants New York City Housing Authority and Bri-Den Construction Co., Inc. having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 4, 2009,

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

It is ordered that the motion is 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 January 6, 2011.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,
David Friedman
James M. McGuire
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
In the Matter of the Application of
Tony Zimmerman,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

M-5614
Index No. 401408/09

-against-

New York City Housing Authority,
Respondent.

-----X

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

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for an enlargement of time in which to perfect said proceeding, and related relief,

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

It is ordered that the motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serve one copy of such brief upon the attorney for the respondent and file 8 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The time in which to perfect the proceeding is enlarged to the May 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 January 6, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Saul Sayeh,

Plaintiff-Appellant,

-against-

M-5463

Index No. 105490/08

66 Madison Avenue Apt. Corp., et al.,

Defendants-Respondents.

-----X

A decision and order of this Court having been entered on May 6, 2010 (Appeal No. 2729) unanimously affirming the order of the Supreme Court, New York County, entered on or about April 30, 2009,

And defendant-respondent, Lawrence J. Silberman, P.C., having moved for an order declaring plaintiff's appeal frivolous as a matter of law, and directing the entry of a money judgment against plaintiff for certain costs and disbursements,

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 January 6, 2011.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Paul Wesley,
Plaintiff-Appellant,

-against-

M-5163
Index No. 24777/05

City of New York,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of the decision and order of this Court entered on September 28, 2010 (Appeal No. 2404),

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 January 6, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Karla Moskowitz
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-5148
Ind. No. 3952/01

Jose Molina,
Defendant-Appellant.

-----X
Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about June 28, 2010, **denying resentence**, for leave to have the appeal heard upon 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 to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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 January 6, 2011.

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

-----X
Leota Susan Branche,
Plaintiff-Respondent,

-against-

Douglas V. Holloway,
Defendant-Appellant.

M-5306
Index No. 304723/08

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal and cross appeal from the order of the Supreme Court, New York County, entered on or about January 6, 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 to the extent of enlarging the time in which to perfect the appeal and cross appeal to the May 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 January 6, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
-David Friedman
John W. Sweeny, Jr.
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-4404
Ind. No. 1088/01

Daniel Sparber,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on November 9, 2006 (Appeal No. 9509), unanimously affirming the judgment of the Supreme Court, New York County (Herbert I. Altman, J.), rendered on April 11, 2002,

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 January 6, 2011.

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

-----X
In the Matter of Bianca R.; Brianna R.,

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

Commissioner of Social Services of the
City of New York,
Petitioner-Respondent,

M-4770
Docket Nos. NN-872-3/09
V-11129-30/09

Anmarie S.,
Respondent-Appellant.

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

-----X
Respondent-appellant-mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about August 23, 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, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged

against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


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 January 6, 2011.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Diane T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-5519
Ind. No. 2526/03

Richard Lopez,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 23, 2010 (M-4245) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 14, 2010,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2011.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Diane T. Renwick
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Jose Garcia and Frances Torres,

Plaintiffs-Respondents,

-against-

M-5579
Index No. 305305/08

The City of New York, et al.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, 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 May 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 January 6, 2011.

Present: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3531
Ind. No. 2373/08

Hector Santiago,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 13, 2009,

And Steven Banks, Esq., assigned counsel for defendant-appellant, having moved for, inter alia, an order enlarging the record on appeal to include, and granting the unsealing of the Darden Hearing and related documents therein, and granting said assigned counsel access to said material,

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 January 6, 2011.

PRESENT -- Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Mirna Samuel and Richard Samuel,
Plaintiffs-Appellants,

-against-

M-5534
Index No. 570418/09

Macy's Northeast, Inc.,
Defendant-Respondent.

-----X

An order of this Court having been entered October 7, 2010 (M-4273), denying plaintiffs-appellants 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 February 25, 2010,

And plaintiffs-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 7, 2010 (M-4273),

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

PM ORDERS

ENTERED

JANUARY 6, 2011

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2011.

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

-----X

Madison Realty Capital, L.P.,
Plaintiff-Respondent,

-against-

M-6100

Index No. 601746/09

P&P Realty Corp., et al.,
Defendants,

Alma Restaurant, doing business as
Talay Restaurant,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 2, 2010,

And defendant-appellant, Alma Restaurant, doing business as Talay Restaurant, having moved to stay enforcement of the aforesaid order granting a writ of assistance to evict said defendant from the subject premises,

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

Ordered that the motion is granted on condition that defendant Alma Restaurant, doing business as Talay Restaurant, (1) posts an undertaking in the amount of \$52,175.98 within 15 days of the date hereof and continues to post an undertaking in the same amount thereafter on a monthly basis by the 15th day of each succeeding month until disposition of the appeal; and (2) upon the further condition that the appeal is perfected on or before February 22, 2011 for the May 2011 Term. Upon failure to comply with either condition, an order vacating the stay may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2011.

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

-----X

In the Matter of the Application for the Guardianship and Custody of

Victor C.,
Courtney C.,
Chelsea C.,
and Richard C.,

M-5783
Docket Nos. B9204-07/06

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

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

Bethania C., also known as Bethania A. C.,
Respondent-Appellant.

- - - - -
Randall Carmel, Esq.,
Attorney for the Children.

-----X

An appeal having been taken by respondent-appellant mother from orders of the Family Court, New York County, all entered on or about May 6, 2009,

And an order of this Court having been entered on November 5, 2009 (M-4265), granting respondent-appellant mother poor person relief and the assignment of counsel,

And Wendy Luger, Esq., attorney for the children, Victor C. and Richard C.; Elizabeth Callaghan, Esq., attorney for the child, Courtney C., and Steven Banks, Esq., attorney for the child, Chelsea C., having jointly moved to be relieved as attorneys for subject children and for a new attorney to be assigned to respond to the respondent mother's appeal,

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

Ordered that the motion is granted to the extent of relieving the aforesaid movants as attorneys for the subject children and substituting, Article 18b of the County Law and § 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York, 11791, Telephone No. (516) 921-8800, as attorney for the subject children for purposes of responding to the appeal. Sua sponte, the appeal is adjourned to the May 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 January 6, 2011.

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

-----X
Lew Goldman,
Petitioner-Respondent,

-against-

M-6169
Index No. 115959/10

Cohen & Co., Inc., et al.,
Respondents-Appellants.
-----X

Purported appeals having been taken from orders of the Supreme Court, New York County, dated on or about December 9, 2010 and on or about December 13, 2010,

And respondents-appellants having moved to vacate the injunctive relief granted by the aforesaid orders of the Supreme Court,

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

Ordered that respondents' motion is deemed one for relief in the nature of CPLR 5704(a) and, as such, the injunctive relief granted in the aforesaid orders issued by the Supreme Court, New York County, dated on or about December 9, 2010 and December 13, 2010, is hereby vacated.

ENTER:

Clerk.