

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 July 28, 2011.

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

-----X  
Kim Harris, as Administratrix of the  
Estate of Prince DeShawn Roger  
Harris, Jr.,  
Plaintiff-Respondent,

-against-

M-2669X  
Index No. 105988/08

Timothy Reilly, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 12, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 6, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 July 28, 2011.

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

-----X  
Tower Insurance Company of New York,  
Plaintiff-Appellant,

-against-

M-2685X  
Index No. 107547/09

Hydro Tech Mechanical Corp.,  
Defendant-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 4, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 8, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 July 28, 2011.

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

-----X  
Kalemah Henderson,  
Plaintiff-Respondent,

-against-

M-2686X  
Index No. 303706/07

New York City Transit Authority,  
and Metropolitan Transportation  
Authority,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about March 17, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 7, 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 July 28, 2011.

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

-----X  
Vladimir Gusinsky,  
Plaintiff-Respondent,

-against-

M-2791X  
Index No. 600426/08

Sagi Genger, et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 6, 2010 (mot. seq. no. 008),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 13, 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 July 28, 2011.

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

-----X  
Benjamin Rodriguez,  
Plaintiff-Respondent,

-against-

M-2817X  
Index No. 302474/07

P.J. Associates, et al.,  
Defendants-Appellants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 16, 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 July 28, 2011.

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

-----X  
Erin Collins,  
Plaintiff-Respondent,

-against-

M-2850X  
Index No. 109514/09

Saadini Rachid and First Time  
Taxi, Inc.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 30, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 16, 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 July 28, 2011.

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

-----X  
Joseph Kramer,  
Plaintiff-Respondent,

-against-

New Empire Construction, Inc.,  
Defendant-Appellant,

M-2851X  
Index No. 20228/07

Virginia Cury, et al.,  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 27, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 16, 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 July 28, 2011.

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

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

-against-

M-2808  
Index No. 1040/07

Jason Wine,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 12, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated June 15, 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 July 28, 2011.

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

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

-against-

Rohan Campbell,  
Defendant-Appellant.

M-2809  
Index Nos. 3968/04  
90008/05

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 27, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated June 13, 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 July 28, 2011.

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

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

Respondent,

-against-

**M-2443**  
Ind. No. 4520/09

Delbart Loretta,

Defendant-Appellant.  
-----X

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

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

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

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

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 July 28, 2011.

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

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

-against-

**M-2445**  
Ind. No. 4765/10

Edwin Rivera,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 8, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 July 28, 2011.

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

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

-against-

**M-2446**  
Ind. No. 3572/08

Bello Shehu,  
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 March 22, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 July 28, 2011.

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

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

-against-

**M-2447**  
Ind. No. 155/09

Kimani Stephenson,  
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 February 8, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 July 28, 2011.

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

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

-against-

**M-2448**  
Ind. No. 528/09

Sergi Khramstov,  
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 28, 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 July 28, 2011.

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

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

-against-

**M-2450**  
Ind. No. 365/11

Andres Zapata,  
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 26, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 July 28, 2011.

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

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

Respondent,

**M-2105**

DC #5

-against-

Ind. No. 2667/07

Michael Brizan, also known as Michael  
Brizen,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 18, 2007,

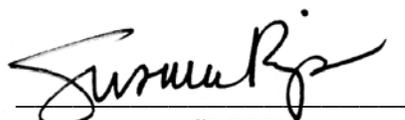
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the December 2011 Term of this Court and counsel is directed to so perfect.

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 July 28, 2011.

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

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

Respondent,

-against-

**M-2120**

DC #20

Ind. No. 656/08

Mamerto Gonzalez,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 20, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the December 2011 Term of this Court and counsel is directed to so perfect.

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 July 28, 2011.

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

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

Respondent,

-against-

**M-2121**

DC #21

Ind. No. 293/06

John Hamlett,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 22, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the December 2011 Term of this Court and counsel is directed to so perfect.

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 July 28, 2011.

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

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

Respondent,

-against-

**M-2132**

DC #30

Ind. No. 812/04

George Medlin,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about February 4, 2005,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the December 2011 Term of this Court and counsel is directed to so perfect.

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 July 28, 2011.

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

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

Respondent,

-against-

**M-2139**

DC #36

Ind. No. 4209/08

Johnny Pruitt,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 16, 2009,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the December 2011 Term of this Court and counsel is directed to so perfect.

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 July 28, 2011.

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

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

Respondent,

-against-

**M-2140**

DC #37

Ind. No. 4678/07

Jaime Quinones,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about July 30, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the December 2011 Term of this Court and counsel is directed to so perfect.

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 July 28, 2011.

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

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

Respondent,

-against-

**M-2148**

DC #44

Ind. No. 4436/07

Cosme Soroa,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about May 7, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the December 2011 Term of this Court and counsel is directed to so perfect.

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 July 28, 2011.

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

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

Respondent,

-against-

**M-2152**

DC #48

Ind. No. 3833/08

Harold Taylor, also known as Howard Taylor,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 16, 2008,

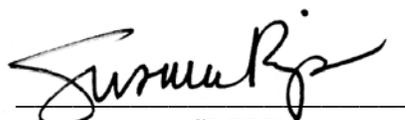
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the December 2011 Term of this Court and counsel is directed to so perfect.

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 July 28, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
James M. Catterson  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York  
ex rel. Antonio Guy,  
Petitioner-Appellant,

-against-

Warden, Rikers Island Correctional  
Facility, et al.,  
Respondent-Respondent.

**M-2098**  
Index No. 340570/10

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, entered on or about December 20, 2010 which dismissed a habeas corpus proceeding, for leave to have the appeal heard on 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 permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files 8 reproduced copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks the assignment of counsel 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 July 28, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
James M. Catterson  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

**M-1681**

Ind. No. 3565/02

Cyril Kendall,

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 February 17, 2011, 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.

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 July 28, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
James M. Catterson  
Rosalyn H. Richter, Justices.

-----X  
Socrates Medical Health, P.C.,  
as assignee of Steve Eleutiza,  
Plaintiff-Respondent,

-against-

M-2123  
Index No. 570707/09

Motor Vehicle Accident  
Indemnification Corp.,  
Defendant-Appellant.

-----X

Defendant-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 September 17, 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 July 28, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
James M. Catterson  
Rosalyn H. Richter, Justices.

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

-against-

Hector Madera Alvarez, also known as  
Hector Madera,  
Defendant-Appellant.

**M-2266**  
Ind. Nos. 2138/10  
1446N/10

-----X

An order of this Court having been entered on April 12, 2011 (M-972), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 29, 2010, under Indictment No. 2138/10, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 1446N/10,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment Nos. 2138/10 and 1446N/10, and extending the poor person relief previously granted to cover same.

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 July 28, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
Richard T. Andrias  
Rosalyn H. Richter, Justices.

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

-against-

M-2558  
Ind. No. 1793N/09

Roland Barnes,  
Defendant-Appellant.

-----X

Defendant having renewed a motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 4, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 July 28, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X

Citibank, N.A.,  
Plaintiff-Respondent,

-against-

M-2824  
Index No. 651333/10

Allen Silverman,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals, or in the alternative, for reargument of the decision and order of this Court entered on June 9, 2011 (Appeal No. 4916),

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 July 28, 2011.

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

-----X  
Marshall Investments Corporation,  
et al.,  
Plaintiffs-Appellants,

-against-

Harrah's Operating Company, Inc.,  
etc., et al.,  
Defendants-Respondents.

M-1775  
Index No. 102512/08

-----X

Plaintiffs-appellants 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 March 15, 2011 (Appeal No. 4138),

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 July 28, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----X  
Larry Pouncy,  
Plaintiff-Appellant,

-against-

M-2493  
Index No. 403478/10

Jason L. Solotaroff, Esq., et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the orders of the Supreme Court, New York County, both entered on or about May 12, 2011 (mot. seq. nos. 002 & 003), and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 July 28, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----X  
In the Matter of the Application of  
Stanley Moore,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-2653  
Index No. 100479/10

Andrea W. Evans, Chairwoman,  
New York State Division of Parole,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 2, 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 November 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 July 28, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----X  
Nicole Lawi Zekry,  
Plaintiff-Respondent,

-against-

M-2523  
Index No. 350652/05

Pinhas Zekry,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 26, 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 November 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 July 28, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----X  
In the Matter of the Application of  
Gregory Nelson,  
Petitioner-Respondent-Appellant,

For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules

-against-

M-2531  
Index No. 101856/09

New York State Division of Housing  
and Community Renewal,  
Respondent-Appellant-Respondent,

-and-

Residential Management, Inc.,  
Intervenor-Appellant-Respondent.

-----X

Appeals and a cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 12, 2010,

And intervenor-appellant-respondent Residential Management, Inc. having moved for an enlargement of time in which to perfect its appeal from the aforesaid judgment of the Supreme Court, New York County, entered on or about July 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 to the extent of enlarging the time in which to perfect the appeals and cross-appeal to the January 2012 Term, without prejudice to seeking further enlargements, if necessary.

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 July 28, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----X  
Marc Malone,  
Plaintiff-Respondent,

-against-

M-2514  
Index No. 15296/07

The City of New York, et al.,  
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 31, 2011, with respect to certain defendants-appellants,

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 argument of said issue on appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2011.

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

-----X  
Mac Truong,  
Plaintiff-Appellant,

Maryse Mac-Troung,  
Plaintiff,

-against-

M-2722  
Index No. 102895/09

Jack Littman, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about March 26, 2010, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 July 28, 2011.

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

-----X  
Atlantic Aviation Investments LLC,  
Plaintiff-Respondent,

-against-

**M-2672**

Index No. 602286/09

Matlinpatterson Global Advisers,  
Inc., et al.,  
Defendants-Appellants,

Volo Logistics LLC,  
Third-Party Plaintiff-Appellant,

-against-

Lan Pax Group S.A. and Lan Airlines  
S.A.,  
Third-Party Defendants-Respondents.  
-----X

An appeal having been taken by defendants-appellants and third-party plaintiff-appellant from the order of the Supreme Court, New York County, entered on or about May 5, 2011,

And the aforesaid appellants having jointly moved for a stay of all proceedings pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before September 6, 2011 for the November 2011 Term and upon further condition that appellants post an undertaking in the amount of \$17 million dollars.

Upon failure by defendants to fulfill either condition, an order vacating the stay may be entered ex parte, provided that respondents serve a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style. The signature is positioned above a horizontal line.

CLERK

CORRECTED ORDER – August 15, 2012

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 July 28, 2011.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
44 Wall Owner, LLC,  
Plaintiff-Respondent,

-against-

M-2417  
Index No. 16847/08

Stephanie Failla,  
Defendant-Appellant,

-and-

Robert Henry,  
Defendant.

-----X

Defendant-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 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 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 July 28, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Nikiyah S. Blackman,  
Plaintiff-Appellant-Respondent,

-against-

M-2818  
Index No. 101743/02

The Hit Factory, et al.,  
Defendants-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 19, 2010,

And defendants-respondents-appellants having moved for an enlargement of time in which to perfect the cross appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the November 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 July 28, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
Benita Ayala,  
Plaintiff-Appellant,

-against-

M-2276  
Index No. 14078/05

Lincoln Medical & Mental Health  
Center, etc., et al.,  
Defendants-Respondents.

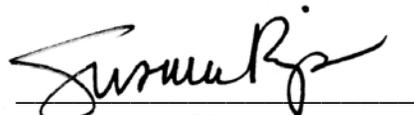
-----X  
(And another action)  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 8, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 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 July 28, 2011.

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

-----X  
In the Matter of

Isis Smith C.,

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

- - - - -  
Administration for Children's Services, M-2787  
Petitioners-Respondents, Docket No. B-3515/06

Lamont C.,  
Respondent-Appellant,

Doreen S.,  
Respondent-Appellant.

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

-----X

An appeal having been taken to this Court by the respondent-appellant father, Lamont C., from the order of the Family Court, New York County, entered on or about January 5, 2011, and said appeal having been perfected,

And respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the aforesaid order, 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 not already transcribed, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **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

---

<sup>1</sup>Service 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 July 28, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of the Application of  
Bluestar Properties, Inc.,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-2920  
Index No. 116072/10

New York State Division of Housing  
and Community Renewal,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for an order staying the enforcement of the order and judgment of the Supreme Court, New York County, entered on or about May 31, 2011, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition that the amount representing rent credits, from the period April 1, 2008 and February 10, 2011 is placed in escrow in accordance with the interim relief granted by an order of a Justice of this Court dated June 24, 2011 within 20 days of the date of entry of this order, if not already done, and upon further condition that the appeal is perfected for the December 2011 Term. Upon failure to fulfill either condition, an order vacating the stay may be entered ex parte, provided that respondent serve 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 July 28, 2011.

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

-----x  
Ivor W. Gilkes, Jr.,

Plaintiff-Respondent,

-against-

M-2247  
Index No. 104730/09

New York Wholesale Paper Corp.,

Defendant-Appellant.  
-----x

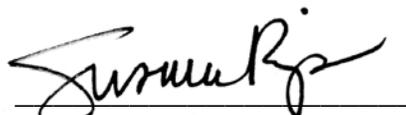
Consolidated appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about August 16, 2010 and March 24, 2011, respectively, and said appeals having been perfected,

And defendant-appellant having moved, pursuant to CPLR 5519(c), for a stay of proceedings, including discovery, pending hearing and determination of the aforesaid consolidated appeals,

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

It is ordered that the motion is granted.

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 July 28, 2011.

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

-----X  
Philippe Jordan,  
Plaintiff,

-against-

M-2793  
Index No. 300533/08

Joanna Jordan,  
Defendant.

-----X

Defendant having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, entered on or about June 13, 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 July 28, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Rosa Bojovic,  
Plaintiff-Respondent,

-against-

M-2764  
Index No. 17604/07

Lydig Beijing Kitchen, Inc.,  
Howard Spring and Julius Spring,  
doing business as Lydig Shopping  
Center,  
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 December 24, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 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 July 28, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Dianne T. Renwick  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X

International Finance Corporation,

Plaintiff-Respondent,

-against-

M-2222

Index No. 601705/07

Carrera Holdings Inc., etc., et al.,

Defendants-Appellants.

-----X

Defendant-appellant Carrera Holding Inc. having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 29, 2011 (Appeal No. 4631-4631A),

Now, upon reading and filing the papers with respect to the motion, including the correspondence dated June 7, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Paulo Gomes De Sousa  
Plaintiff,

-against-

M-2588  
Index No. 23192/05

The Triborough Bridge and Tunnel Authority, and Metropolitan Transit Authority,  
Defendants-Appellants.

-----X  
The Triborough Bridge and Tunnel Authority and Metropolitan Transit Authority,  
Third-Party Plaintiffs-Appellants,

-against-

Third-Party  
Index No. 84292/08

Petric and Associates, Inc.,  
Third-Party Defendants-Respondents.

-----X  
The Triborough Bridge and Tunnel Authority and Metropolitan Transit Authority,  
Second Third-Party Plaintiffs-Appellants,

-against-

Second Third-Party  
Index No. 83819/09

Hudson Insurance Company and Petric and Associates, Inc.,  
Second Third-Party Defendants-Respondents.

-----X

Defendants/third-party plaintiffs-appellants The Triborough Bridge and Tunnel Authority and Metropolitan Transit Authority 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 August 4, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 July 28, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
In the Matter of

Damar M., Dimitri M.,  
Donovan M., Nyrie W., and  
Porscha M.,

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

M-2499  
M-2033

-----  
Administration for Children's  
Services,  
Petitioner-Respondent,

Docket Nos. NN-18266/07  
NN-18285-8/07

Paul M.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant father having moved, by separate motions, for leave to prosecute, as a poor person, the appeals from orders of fact-finding and disposition of the Family Court, Bronx County, entered on or about March 29, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, John J. Marafino, Esq., 9 West Prospect Avenue, Suite No. 409, Mount Vernon, New York 10550,

Telephone No. 914-663-1500, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **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

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 9, 2012.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
In the Matter of

Damar M., Dimitri M.,  
Donovan M., Nyrie W.,  
and Porscha M.,

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

**M-2499A**  
**M-2033A**

Docket Nos. NN-18266/07  
NN-18285-8/07

-----  
Administration for Children's  
Services,  
Petitioner-Respondent,

Paul M.,  
Respondent-Appellant.

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

-----X

An order of this Court having been entered on July 28, 2011 (M-2499/M-2033) assigning John J. Marafino, Esq., as counsel to prosecute respondent-appellant's appeals from orders of fact-finding and disposition of the Family Court, Bronx County, both entered on or about March 29, 2011,

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

Ordered that the designation of John J. Marafino, Esq., is stricken as counsel to prosecute appellant's appeals, and, pursuant to Section 722 of the County Law, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, is substituted as such counsel. The poor person relief

previously granted is continued, and appellant's time in which to perfect the appeals is enlarged until 120 days from the date of this order or the filing of the record, whichever is later. The order of this Court entered on July 28, 2011 (M-2499/M-2033) is hereby recalled and vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Nelson S. Román, Justices.

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

-against- M-2265  
Ind. No. 2291/10

Ariel Wilson,  
Defendant-Appellant.  
-----X

An order of this Court having been entered on April 12, 2011 (M-975) 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 January 24, 2011,

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, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

Carmen Tejada,  
Plaintiff-Appellant,

-against-

M-2409  
Index No. 25459/02

Cherise M. Dyal, M.D., et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 19, 2011 (Appeal No. 4837),

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 July 28, 2011.

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

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

-against-

**M-2319**  
Ind. No. 4084/09

Donald M. Miller,  
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 July 14, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 July 28, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Nelson S. Román, Justices.

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

Respondent,

-against-

**M-1988**  
Ind. No. 879/10

Alberto Cano,

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 January 4, 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 granted to the extent of deeming the notice of appeal dated February 22, 2011 as timely filed.

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 July 28, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Nelson S. Román, Justices.

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

-against-

**M-2309**  
Ind. No. 447/09

Geraldo Garay,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 31, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 July 28, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X

Victor Alonzo,  
Plaintiff,

-against-

M-1959  
Index No. 22592/05

Safe Harbors of the Hudson  
Housing Development Fund Company,  
Inc., Mountco Construction and  
Cornerstone Residence, L.P.,  
Defendants.

-----X

Safe Harbors of the Hudson  
Housing Development Fund Company,  
Inc., Mountco Construction and  
Cornerstone Residence, L.P.,  
Third-Party Plaintiffs-Appellants,

-against-

Third Party  
Index No. 86187/07

M&P Construction Inc. and  
Utica First Insurance Company, Inc.,  
Third-Party Defendants-Respondents.

-----X

M&P Construction Inc.,  
Fourth-Party Plaintiffs,

-against-

Globe Realty & Insurance Agency  
and Alfredo Stanco,  
Fourth-Party Defendants-Respondents.

-----X

Defendants/third-party plaintiffs-appellants Safe Harbors of the Hudson Housing Development Fund Company, Inc. 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 May 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 to the extent of enlarging the time in which to perfect the appeal to the December 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 July 28, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Geoffrey Coward,  
Plaintiff-Respondent,

-against-

Trinity Church Corp., et al.,  
Defendants,

First Quality Maintenance, LP,  
Defendant-Appellant.

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

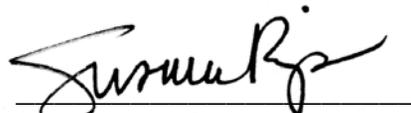
M-2258  
Index No. 100246/05

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 19, 2010 (mot. seq. no. 007),

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Havkins Rosenfeld Ritzert & Varriale, LLP (Carmen A. Nicolaou, of counsel), counsel for defendant-appellant, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 28, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

**M-2304**

Ind. No. 1433/06

Mary Foer, also known as Kathy Foer,

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 March 30, 2011, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, J. Ianuzzi, Esq., the amount and sources of funds for trial counsel's fee 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 July 28, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

**M-2325**

Ind. No. 3386/10

Gerald Ross,

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 April 7, 2011, 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, Lisa J. Pelosi, Esq., to post the \$100,000 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 July 28 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Dylan Stephens,  
Plaintiff-Appellant,

-against-

M-2521  
Index No. 118106/06

Skanska USA Building, Inc.,  
et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 6, 2010 (mot. seq. no. 003),

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 November 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 July 28, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Luljeta Cano, et al.,  
Plaintiffs-Respondents,

-against-

M-2404  
Index No. 8262/05

Blockbuster, Inc.,  
Defendant-Respondent.

-----X  
Blockbuster, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

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

-----X  
Blockbuster, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

New York City Transit Authority  
Third-Party Defendant-Respondent.

-----X

Third-party defendant-appellant City of New York 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 July 7, 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 December 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 July 28, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Camille Khaira,  
Plaintiff-Respondent,

-against-

M-2611  
Index No. 312487/10

Jasvinder Singh Khaira,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of enforcement of a pendente lite support order of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 1, 2011, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

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 July 28, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Murray Hill Mews Owners Corp.,  
Petitioner-Landlord-Appellant,

-against-

M-2256  
Index. No. 570055/10

Rio Restaurant Associates L.P.,  
Respondent-Tenant-Respondent.  
-----X

Petitioner-landlord 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 December 7, 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. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 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 July 28, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

-----X  
Nicole Lawi Zekry,  
Plaintiff-Respondent,

-against-

M-2877  
Index No. 102550/08

Pinhas Zekry and R. David Ben Barouck,  
Corp.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of the order of the Supreme Court, New York County, entered on or about June 6, 2011 (mot. seq. mot. 019), pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

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 July 28, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Casa Redimix Concrete Corporation,  
Plaintiff-Appellant,

-against-

M-1995  
Index No. 13891/01

Westway Industries Inc., et al.,  
Defendants-Respondents.

-----X

Defendant-respondent Hunts Point Cooperative Market, Inc. 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 June 22, 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 November 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 July 28, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

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

- - - - -  
Shazzi T., M-2010  
Petitioner-Appellant, Docket No. 031004/10

-against-

Ernest L. G., also known as Ernest G.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about March 17, 2011, 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, Yisroel Schulman, Esq., New York Legal Assistance Group, 450 West 33<sup>rd</sup> Street, New York, NY 10001, Telephone No. (212) 613-5086, 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

therefor<sup>1</sup> **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:



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CLERK

---

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

CORRECTED ORDER - September 23, 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 July 28, 2011.

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

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

- - - - -  
Carl T., Sr., M-2036  
Petitioner-Appellant-Respondent, Docket Nos. V26557/04  
020558/08

-against-

Yajaira A. C.,  
Respondent-Respondent-Appellant.

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

Petitioner-appellant-respondent father 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 March 25, 2011, 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, Louis S. Calderon, Esq., 153-01 Jamaica Avenue, Suite 201, Jamaica, NY 11432, Telephone No. (718) 883-1560, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the

CORRECTED ORDER - September 23, 2011

(M-2036)

-2-

July 28, 2011

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 therefor<sup>1</sup> **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.** (See M-2045, decided simultaneously herewith.)

ENTER:



CLERK

---

<sup>1</sup>Service 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 July 28, 2011.

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

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

-----  
Carl T., Sr.,  
Petitioner-Appellant-Respondent,  
  
-against-

**M-2045**  
Docket Nos. V26557/04  
O20558/08

-----  
Yajaira A. C.,  
Respondent-Respondent-Appellant.

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

-----X  
Respondent-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 March 25, 2011, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, 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 therefor<sup>1</sup> **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.** (See M-2036, decided simultaneously herewith.)

ENTER:



---

CLERK

---

<sup>1</sup>Service 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 July 28, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter Justices.

-----X  
In the Matter of the Application of  
Beverly Riley,  
Petitioner-Respondent,

For a Judgment Under Article 75 of  
the Civil Practice Law and Rules

M-2625  
Index No. 100517/10

-against-

The City of New York, New York City  
Department of Education and Joel  
Klein, Chancellor of New York City  
Department of Education,  
Respondents-Appellants.

-----X  
Respondents-appellants 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 3, 2011 (Appeal No. 4947),

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 July 28, 2011.

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

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

**M-2070**

For Commitment Under Article 10 of the Index No. 250294/08  
Mental Hygiene Law,

-against-

Richard R.,  
Respondent-Appellant.

-----X

An appeal having been taken from a judgment of confinement of the Supreme Court, Bronx County, entered on or about March 8, 2011,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the 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 permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings related to the above-captioned matter. 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.

Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, 41 Madison Avenue, 26<sup>th</sup> Floor, New York, NY 10010, Telephone No. (646) 386-5891, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf.

ENTER:

A handwritten signature in cursive script, appearing to read "Susan R. Jones", is written above a horizontal line.

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 July 28, 2011.

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

-----X  
In the Matter of

Jafar B.,

A Person Alleged to Be a Juvenile  
Delinquent,

**M-1886**  
Docket Nos. D24457-08/10A  
D31298/09

Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about March 4, 2011, 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 to the extent of (1) assigning, pursuant to Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, 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 State of New York from funds available therefor;<sup>1</sup> **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

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<sup>1</sup>Service of appellant's brief upon respondent shall include assigned counsel's copy of the transcript.

order; and (4) directing appellant 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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

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 July 28, 2011.

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

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

-against-

**M-2063**  
Ind. No. 2565/10

Michael Kramer,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 15, 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.

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 July 28, 2011.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X

IRB-Brasil Resseguros, S.A.,  
Plaintiff-Respondent,

-against-

M-2565  
Index No. 604448/06

Inepar Investments, S.A.,  
Defendant,

Inepar S.A. Industria e Construções,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 26, 2011 (Appeal Nos. 3772/3773/3773A/3773B/3773C),

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

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

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

-against-

Bruce Ascher,  
Defendant.

M-1348  
ORDER GRANTING STAY  
Ind. No. 6287/09

-----X  
Defendant having moved for an order, inter alia, staying execution of the judgment of conviction and the designation of the defendant as a level 2 sex offender of the Supreme Court, New York County, rendered on or about February 18, 2011, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted, on condition that the appeal be perfected within 120 days of the date of entry hereof.

In the event of failure to comply with the aforesaid condition within the time specified (or such extensions thereof that may be granted) execution of the aforesaid judgment and designation shall resume.

  
\_\_\_\_\_  
Hon. Peter Tom  
Justice of the Appellate Division

Dated: July 11, 2011  
New York, New York



**JUL 28 2011**

PM ORDERS  
ENTERED ON  
JULY 28, 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 July 28, 2011.

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

-----X

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

**M-2955**

Docket No. 016154/09

Tonya B.,  
Petitioner-Respondent,

-against-

Matthew B.,  
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about December 17, 2009, 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, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant and 8 copies thereof are filed with 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 July 28, 2011.

Present - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----x  
Omrie Morris, et al.,

Plaintiffs-Respondents,

-against-

M-2924  
Index No. 14026/06

The City of New York,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about September 1, 2010, and said appeal having been perfected,

And defendant-appellant having moved, pursuant to CPLR 5519(c), for a stay of trial pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and 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 July 28, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Adam Miller,  
Plaintiff-Respondent,

-against-

**M-3027**  
Index No. 112216/09

City of New York, et al.,  
Defendants,

Olga Livanis, etc.,  
Defendant-Appellant.

-----X

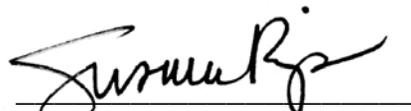
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 17, 2011,

And defendant-appellant Olga Livanis having moved for a declaration/order of this Court stating that an automatic/statutory stay is in place, pursuant to CPLR 5519(a)(1) or, in the alternative, for a discretionary stay pursuant to CPLR 5519(c),

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 staying discovery on condition that defendant-appellant Olga Livanis perfects her appeal on or before September 6, 2011 for the November 2011 Term, and 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 July 28, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

**M-3093**  
Index No. 603869/08

Ocean Bridge, Inc., et al.,  
Defendants,

Lev Paukman, M.D.  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 28, 2011 (Appeal No. 4934), unanimously affirming the order of the Supreme Court, New York County, entered on or about March 3, 2010,

And defendant-appellant having moved for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court entered on April 28, 2011 (Appeal No. 4934)[M-2706], and said motion remaining sub judice,

And defendant-appellant having moved (M-3093) for a stay of enforcement proceedings with respect to the aforesaid order of the Supreme Court, New York County, entered on or about March 3, 2010, affirmed by this Court, pending a decision on defendant's motion for leave to appeal to the Court of Appeals [M-2706],

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 staying all enforcement proceedings pending a decision on defendant's motion for leave to appeal to the Court of Appeals [M-2706].

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on July 28, 2011.

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

-----X  
Joseph Lehey, etc., et al.,  
Plaintiffs-Respondents,

-against-

**M-2678**  
Index No. 112623/10

Tim Goldburt, et al.,  
Defendants-Appellants,

Matt Sandy, et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 2, 2011,

And an order of a Justice of this Court dated June 7, 2011 having granted an interim stay to defendants under certain conditions,

And defendants-appellants having moved for a stay of the aforesaid order of the Supreme Court pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion for a stay is granted upon the conditions set forth in the aforesaid order of a Justice of this Court dated June 7, 2011, and upon further condition that defendants perfect their appeal on or before September 6, 2011 for the November 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 July 28, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

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

Ariel Berlin,  
Petitioner-Respondent,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-3018  
Index No. 113670/10

-against-

Adrea Evans, Commissioner of the  
New York State Board of Parole,  
Respondent-Appellant.

-----X  
An appeal having been taken by respondent Commissioner of the New York State Board of Parole from the order of the Supreme Court, New York County, entered on or about April 13, 2011,

And petitioner-respondent having moved for an order vacating the extant CPLR §5519(a)(2) stay of enforcement of the aforesaid order appealed,

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 July 28, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

**M-3102**  
Ind. No. 2794/10

Ornell Caesar,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 14, 2011,

And an order of a Justice of this Court having been entered on April 27, 2011 granting defendant a stay of execution of the aforesaid judgment and issuing bail pending hearing and determination of the appeal on condition that the appeal be perfected for the September 2011 Term,

And defendant having moved for an enlargement of time in which to perfect the appeal and to continue to be released on bail pending hearing and determination of said 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 September 6, 2011 for the November 2011 Term and continuing bail pending hearing and determination of said 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 July 28, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

**M-3058**

Ind. No. 843/08

Matthew Keschner,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 15, 2011,

And an order of a Justice of this Court having been entered on March 16, 2011 granting defendant a stay of execution of judgment and sentence pending hearing and determination of the appeal upon the posting of \$75,000 bail, and upon the further condition that defendant perfect the appeal within 120 days of the issuance of said order,

And defendant having moved for an extension of the aforesaid relief granted by the order of a Justice of this Court on March 16, 2011 pending hearing and determination of 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 extending the stay of execution of judgment and sentence and continuing bail pending determination of defendant's appeal, and enlarging the time in which to perfect the appeal to on or before October 3, 2011 for the December 2011 Term.

ENTER:

  
CLERK