

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 March 3, 2011.

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

-----X
JP Morgan Chase Bank, N.A.,

Plaintiff-Respondent,

-against-

Controladora Comercial Mexiacana,
S.A.B. De C.V.,

Defendant-Appellant.
-----X

M-396X
Index No. 603215/08

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 18, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 24, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

-----X
J. Aron & Company,

Plaintiff-Respondent,

-against-

Controladora Comercial Mexiacana,
S.A.B. De C.V.,

Defendant-Appellant.
-----X

M-399X
Index No. 603225/08

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 18, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 24, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

-----X
Nidia E. Rodriguez,

Plaintiff-Appellant,

-against-

New York Transit Authority,

Defendant-Respondent.
-----X

M-562X
Index No. 115531/07

An appeal having been taken from the an order of the Supreme Court, New York County, entered on or about October 27, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 7, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

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

-against-

M-6226
Ind. No. 547/07

Sharbu Redd,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on July 2, 2009 (Appeal No. 1002), unanimously affirming a judgment of the Supreme Court, New York County (Ronald Zweibel, J.), rendered on January 11, 2008,

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

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

It is ordered that said application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

-----X
In the Matter of the Application of
William Rivera,
Petitioner-Appellant,

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

M-61
Index No. 401246/10

-against-

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

Respondent having moved for dismissal of the purported appeal taken from the order of the Supreme Court, New York County, entered on or about September 30, 2010,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

-----X
Fermijon Marrero,

Plaintiff-Appellant,

-and-

Juana Marrero,

Plaintiff,

-against-

M-190
Index No. 400889/10

New York Housing Authority,

Defendant-Respondent.
-----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 December 28, 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.

E N T E R:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

-----X
In the Matter of

Anizabel B.,

A Person Alleged to Be a Juvenile
Delinquent,

M-269
Docket No. D564/09

Respondent-Appellant.
-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about March 18, 2010,

And an order of this Court having been entered on June 15, 2010 (M-1787) granting respondent poor person relief and the assignment of counsel, and directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal,

And respondent-appellant having moved for an order compelling the Clerk of said Family Court to produce the minutes of all proceedings still not transcribed for inclusion in the record on appeal, and enlarging the time in which to perfect the appeal,

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

It is ordered that the motion is granted to the extent of directing the Clerk of the Family Court, New York County, to produce the minutes of all proceedings still not transcribed for inclusion in the record on appeal, within 30 days from the date of service upon the Clerk a copy of this order, which counsel is directed to serve upon the Clerk and the individual court reporter(s) within 10 days from the date of entry hereof, or a statement that said minutes do not exist.

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 March 3, 2011.

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

-----X
Camilla Lowther Management, Inc.,
et al.,

Plaintiffs-Respondents,

M-295
Index No. 600123/10

-against-

Sony Music Entertainment,

Defendant-Appellant.
-----X

The above-named parties having jointly moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 9, 2010,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated January 13, 2011, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

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

-against-

M-6268
Ind. No. 4453/04

Mamoud Yacoubou,
Defendant-Appellant.

-----X

Counsel for defendant-appellant having moved for an order dismissing defendant's appeal taken from an order of the Supreme Court, New York County, rendered on or about April 14, 2009, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

-----X
Tabitha Roman, An Infant by her Mother
and Natural Guardian, Antonia Cruz
and Antonia Cruz, Individually,
Plaintiffs-Appellants,

-against-

M-12

Index No. 350057/09

New York City Health and Hospitals
Corporation (Jacobi Medical Center),
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 14, 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 and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

-----X
In the Matter of

Angela P., Jr.,

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

Administration for Children's Services, et al.,
Petitioners-Respondents,

M-281
Docket No. NN-22045/09

Jose C.,
Respondent-Appellant.

Eugene McGloin, Esq.,
Attorney for the Child.

-----X
Respondent-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 November 15, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is denied, with leave to renew upon a submission of a copy of the order appealed from.

E N T E R:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

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

-against-

M-170
Ind. No. 4234/09

Keith Agard, also known as Kenith
Agard,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 3, 2010 (M-3294) 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 May 25, 2010,

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

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

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

Enter:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

-----X
In the Matter of Jeffrey M. Khaner,
et al.,

Petitioners-Landlords-Respondents,

-against-

M-125
Index No. 570570/10

Gordon Gavin,

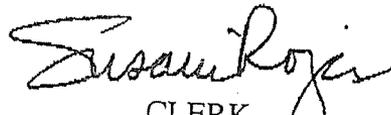
Respondent-Tenant-Appellant.
-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about November 18, 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 March 3, 2011.

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

-----x

Martin R. Hauptman,
Plaintiff-Appellant,

-against-

M-250
Index No. 402764/07

New York and Presbyterian Hospital,
et al.,

Defendant-Respondent.

-----x

Appeals having been taken to this Court by plaintiff-appellant from orders and a judgment of the Supreme Court, New York County, entered on or about March 29, 2010, July 8, 2010 and September 22, 2010, respectively,

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

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal from the judgment entered September 22, 2010 to the September 2011 Term, the appeals from the aforesaid orders having been subsumed in the appeal from the judgment.

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 March 3, 2011.

Present - Hon. Luis A. Gonzalez, James M. McGuire Rolando T. Acosta Nelson S. Román,	Presiding Justice, Justices.
---	---

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

Respondent,

-against-

Manuel Rodriguez,

Defendant-Appellant.
-----X

M-3195
Ind. No. 797/01

Respondent having moved for reargument of the decision and order of this Court entered on May 18, 2010 (Appeal No. 1468),

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

It is ordered that the motion is granted and, upon reargument, the decision and order of this Court entered on May 18, 2010 (Appeal No. 1468) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 1468, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

-----x
Alicia Rodriguez,

Plaintiff-Respondent,

-against-

M-5578
Index No. 307638/09

Lipsig, Shapey, Manus & Moverman, P.C.,

Defendant-Appellant.
-----x

An appeal having been taken to this Court the order of the Supreme Court, Bronx County, entered on or about December 24, 2009,

And plaintiff-respondent having moved for an extension of time to file a respondent's brief in connection with 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 denied, as academic, the appeal having been argued on February 2, 2011, and decided on February 22, 2011 (Appeal No. 4335).

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 March 3, 2011.

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

-----X
Isaiah Rodriguez, etc.,

Plaintiff-Respondent,

-against-

M-130
Index No. 22047/06

New York City Health and Hospitals
Cooperation, (Jacobi Medical Center),

Defendant-Appellant,

-and-

"John" Bernstein, M.D., et al.,

Defendants.
-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 18, 2010 (Appeal No. 3647N),

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

It is ordered that the motion is denied.

E N T E R:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

-----X
Frank Pisano, et al.,
Plaintiffs-Respondents,

-against-

M-608
Index No. 15830/05

City of New York,
Defendant-Appellant,

-and-

Welsbach Electric Corp., Auto Care
Inc., et al.,
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about April 12, 2010, and 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 to the extent of enlarging the time in which to perfect the appeal to on or before March 21, 2011 for the June 2011 Term.

The motion, to the extent it seeks a stay of trial, is denied.

E N T E R:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

Present - Hon. Peter Tom, Justice Presiding,
James M. McGuire
Rolando T. Acosta
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

M-4654
Ind. No. 2294/05

Male Sunter,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on December 2, 2008 (Appeal No. 4718), unanimously modifying a judgment of the Supreme Court, New York County (Edwin Torres, J.), rendered on July 11, 2006,

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

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

It is ordered that said application is denied.

E N T E R:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X

Myron Zuckerman,
Plaintiff-Respondent,

-against-

M-6182

Index No. 113633/07

Sydell Goldstein, et al.,
Defendants-Appellants.

-----X

Defendants-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 November 4, 2010 (Appeal No. 3534),

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 March 3, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Vesta Capital Management LLC,

Plaintiff-Appellant,

-against-

The Chatterjee Group, et al.,

Defendants-Respondents.
-----X

M-6138
Index No. 602580/05

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 4, 2010 (Appeal No. 3532),

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 March 3, 2011.

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

-----X
In the Matter of the Final Accounting of

Mary V. Rosado, M-6149
Claimant/Discharged Guardian, Index No. 500173/02

Jennifer C.,

An Alleged Incapacitated Person,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 28, 2010,

And respondent-appellant, Jennifer C., having moved for an enlargement of time in which to perfect the aforesaid appeal and to consolidate said appeal with the purported appeal taken by respondent-appellant under New York County Index No. 104562/10, and for respondent-appellant's exemption from e-filing the within matter with the this Court,

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

Ordered that the motion, to the extent it seeks an enlargement of time in which to perfect said appeal is granted to the September 2011 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided claimant/discharged guardian serves a copy of this order upon respondent-appellant within 10 days after the date of entry hereof. So much of the motion which seeks respondent-appellant's exemption from e-filing this matter is denied without prejudice to submission of a letter to the Clerk of this Court requesting said exemption, 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 March 3, 2011.

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

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

-against-

M-220
Ind. No. 560/01

Carlos Flores,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 26, 2010,

And defendant-appellant having moved for a an enlargement of time in which to perfect 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 July 11, 2011 for the September 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

-----X
Ruth Hernandez,

Petitioner-Appellant,

-against-

M-128
Index No. 403023/10

River Place II Affordable Housing,
et al.,

Defendants-Respondents.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the purported appeal from an order of the Supreme Court, New York County, entered on or about December 22, 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.

E N T E R:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Galina Vlasova,
Plaintiff,

-against-

M-124
Index No. 114000/05

The City of New York,
Defendant.

-----X

An order of this Court having been entered on August 17, 2010 (M-3029), dismissing plaintiff's appeal taken from the order of the Supreme Court, New York County, entered on or about August 10, 2009,

And plaintiff having moved for an order reinstating the aforesaid dismissed appeal, and for related relief,

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

Ordered that the motion is denied.

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 March 3, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
116 Madison Street, LLC,
Petitioner-Appellant,

-against-

Philip Seid, et al.,
Respondents-Respondents,

M-3
Index No. 570161/08

-and-

Lychee Ice Cream Factory, Inc.,
Respondent.

-----X

Respondent 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 July 20, 2010,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Karla Moskowitz
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Ace American Insurance Company,
Plaintiff-Appellant,

-against-

Unite Here, M-663
Defendant-Respondent. Index No. 604224/06

Unite Here,
Third-Party Plaintiff-Respondent,

-against-

XL Insurance America, Inc.,
Third-Party Defendant.

-----X

Appeals having been taken to this Court from orders and judgments (one paper) of the Supreme Court, New York County, entered on or about May 11, 2010 (mot. seq. no. 003) and January 31, 2011 (mot. seq. no. 005), respectively,

And plaintiff-appellant having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting plaintiff to prosecute the consolidated appeals upon 8 copies of one record and one set of appellant's points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals is enlarged 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 March 3, 2011.

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

-----X
Carole Franklin, by her attorney in
fact, Jocelyn Boyd,
Petitioner,

For a Judgment, etc.,

M-198
Index No. 115865/10

-against-

Richard F. Daines, M.D., etc., et al.,
Respondents.

-----X

Petitioner having moved, pursuant to CPLR 5704 (a), for an order of this Court granting certain relief denied by a Justice 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 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 March 3, 2011.

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

-----X

Leo Genn,
Plaintiff-Appellant,

-against-

Tereza Cristina Castro,
Defendant-Respondent.

M-4220
Docket No: V-11703/08

-----X

Plaintiff-appellant having moved, inter alia, for leave to file an interlocutory appeal taken from the interim order of the Family Court, New York County, entered on April 14, 2010, 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 in its entirety.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Diane T. Renwick
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
In re City of New York,

Petitioner-Appellant,

-against-

M-5829
Index No. 404661/06

Antonia C. Novello, as Commissioner
of the New York State Department of
Health, et al.,

Respondents-Respondents.
-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 21, 2010 (Appeal No. 2821),

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

It is ordered that the motion is denied.

ENTER:


CLERK

PM ORDERS
ENTERED ON
MARCH 3, 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 March 3, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

Barbara Coleman, etc.,
Petitioner-Appellant,

-against-

M-136

M-267

Index No. 108435/08

Richard F. Daines, M.D., etc., et al.,
Respondents-Respondents.

-----X

Respondent-respondent Robert Doar, Commissioner of the New York City Human Resources Administration, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 16, 2010 (Appeal No. 1923) [M-136],

And respondent-respondent Richard F. Daines, M.D., Commissioner, New York State Department of Health, having moved for the same relief [M-267],

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

It is ordered that the motions are granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

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

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 3, 2011.

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

-----x
Nalia Scott,
Plaintiff-Respondent,

-against-

Sheely King,
Defendant-Respondent,

M-477
Index No. 310702/08

-and-

Geeba Fofana, et al.,
Defendants-Appellants.

-----x

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about September 7, 2010, and said appeal having been perfected,

And defendants-appellants having moved 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 March 3, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Karla Moskowitz
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----x
Dwayne Moore,

Plaintiff-Appellant,

-against-

M-466
Index No. 407020/07

Federated Department Stores, et al.,

Defendants-Respondents.
-----x

Separate appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County entered on or about July 16, 2010 (mot. seq. nos. 003, 004, 005) and September 30, 2010 (mot. seq. no. 007), respectively,

And plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the aforesaid appeals, and for other relief,

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

It is ordered that the motion is 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 March 3, 2011.

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

-----x
Domingo Canelo, et al.,

Plaintiffs-Respondents,

-against-

M-296

Index No. 307821/08

Genolg Transit, Inc., et al.,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 15, 2010, and said appeal having been perfected,

And defendants-appellants having moved 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 March 3, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----x
B.R. Fries & Associates, LLC, et al.,
Plaintiffs-Respondents/Respondents,

-against-

Illinois Union Insurance Co.,
Defendant-Appellant/Appellant,

M-667
Index No. 109557/07

J.C. Steel Corp., et al.,
Defendants,

Virginia Surety Company, Inc.,
Defendant-Appellant/Appellant,

Zurich American Insurance Company,
Non-Party Respondent/Respondent.

-----x

Separate appeals having been taken to this Court by appellants from separate orders of the Supreme Court, New York County, entered on or about May 13, 2010 (mot. seq. nos. 001, 002), and said appeals having been perfected upon a joint record; and separate appeals having been taken from the judgment of said Court entered on or about November 10, 2010,

And defendant-appellant Illinois Union Insurance Co. having moved for consolidation of aforesaid perfected appeals with the appeals from the judgment, for leave to serve and file a supplemental joint record on appeal, to deem all briefs filed by all parties withdrawn, for leave to file new briefs on the consolidated appeals, and for adjournment of said appeals,

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

It is ordered that the motion is granted to the extent of granting the respective appellants leave to perfect their appeals from the judgment entered on or about November 10, 2010 for the June 2011 Term, upon an independent supplemental joint record

relating to the appeals from the judgment, with special dates. The supplemental record and appellants' briefs are to be served and filed on or before March 28, 2011, the respondent's brief to be served and filed on or before April 27, 2011, and the reply briefs, if any, to be served and filed on or before May 6, 2011 for said June 2011 Term. The Clerk is directed to calendar all the appeals for hearing together on the same date in said Term. The motion is otherwise denied.

ENTER:

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

Clerk