

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 22, 2011.

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

-----X
Barry Gold,

Plaintiff-Appellant,

-against-

Samuel Quinones, et al.,

Defendants-Respondents.
-----X

M-607X
Index No. 107014/09

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 8, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2011.

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

-----X
John Stefatos, et al.,

Plaintiffs-Respondents,

-against-

M-615X
Index No. 600311/10

John Frezza, et al.,

Defendants-Appellants.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 9, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2011.

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

-----X
Darwin Barrow,

Plaintiff-Respondent,

-against-

M-616X
Index No. 601901/08

Chennai Café, Inc., Rafi Amanulla and
Mutho Adimuloolam,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 29, 2010 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 9, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2011.

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

-----X
Joseph Pacheco,
Plaintiff-Appellant,

-against-

M-376
Index No. 306212/08

Nelson Grullon,
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 March 8, 2010, for failure to timely perfect,

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 22, 2011.

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

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

Lea Sylver,
Petitioner-Appellant,

-against-

M-485
Index No. 402635/08

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

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804 (g), by order of the Supreme Court, New York County, entered on or about February 10, 2009, to review a determination of respondent,

And respondent-respondent having moved for dismissal of the aforesaid proceeding, for failure to timely prosecute,

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 proceeding 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 22, 2011.

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

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

-against-

M-5467
Ind. No. 5760/09

Nicole 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 September 28, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 March 22, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Rolando T. Acosta
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Lorenzo Catlett,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-638
of the Civil Practice Law and Rules, Index No. 401865/10

-against-

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

Petitioner-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 January 14, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of 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 for respondent and file 8 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.

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 22, 2011.

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

-----X
Marko S., also known as
Marko Alexander S., also known as
Marko A.,
Plaintiff-Respondent,

-against-

M-114
Index No. 3903/09

Heather S., also known as
Heather Kim S.,

Defendant-Appellant.
-----X

Defendant-appellant mother having moved for leave to prosecute, as a poor person, the purported appeal from an ex parte order declined by a Justice of Supreme Court, Bronx County, on or about December 17, 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, the aforesaid Court having assigned counsel to represent the plaintiff in the Supreme Court, Bronx County matter, *Stifanic v Stifanic* (Bronx County Index No. 3903/2009) by order entered on or about October 7, 2010.

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 22, 2011.

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

-----X
2470 Cadillac Resources, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-181

Index No. 603613/08

DHL Express (USA), Inc. and Deutsche
Post AG,
Defendants-Respondents.

-----X

Separate appeals having been taken by plaintiffs 2470 Cadillac Resources, et al., and Bear Franchising, LLC, et al., from the order of the Supreme Court, New York County, entered on or about September 21, 2009 and said appeal having been perfected upon a joint record and separate briefs; and plaintiffs having jointly taken an appeal from the order of said Court entered on or about December 21, 2010 (mot. seq. no. 005),

And plaintiffs-appellants having moved for an adjournment of the aforesaid perfected appeals; and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from plaintiffs-appellants' counsel, dated March 15, 2011, and due deliberation having been had thereon, it is

Ordered that the motion is 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 March 22, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

-against-

Joseph Fisher,
Defendant-Appellant.

M-715
Ind. No. 355/05

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 23, 2010,

And an order of this Court having been entered on January 18, 2011 (M-6167), granting defendant leave to file a pro se supplemental brief in connection with the aforesaid appeal for the June 2011 Term,

And defendant having so filed 8 copies of his pro se supplemental brief with the Clerk of the Court on January 26, 2011,

And defendant having moved for leave to withdraw the aforesaid filed pro se supplemental briefs and replace said briefs with 8 copies of a new amended pro se supplemental brief,

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

Ordered that the motion is granted to the extent of deeming the 8 copies of a new amended pro se supplemental brief submitted to this Court with his moving papers as timely filed for the June 2011 Term. Defendant's previously filed pro se supplemental briefs filed with this Court are deemed withdrawn. Defendant is advised that his appeal will not be heard until all minutes of the proceedings below previously forwarded to defendant are returned to the Clerk's Office 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 March 22, 2011.

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

-----X
Beaux Arts II, LLC,
Petitioner-Landlord-Respondent,

-against-

Marina de Larracochea Azumendi,
Respondent-Tenant-Appellant.
-----X

M-84
Index No. 570069/10

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 November 29, 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.

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 22, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Yogesh Singh,
Plaintiff,

-against-

M-681
Index No. 20512/01

R.S. Realty Holding Corp., et al.,
Defendants.

-----X

Plaintiff having purported to move, pursuant to CPLR 5704(a), for relief in the nature of a stay of proceedings and modification of a certain decision issued by a Justice of Supreme Court, Bronx County, on or about December 22, 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.

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 22, 2011.

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

-----X
In the Matter of the Application of
Adam Phifer,
Petitioner,

For an Order Pursuant to Article 78 of M-496
the Civil Practice Law and Rules, Index No. 116663/09

-against-

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

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 22, 2010, to review a determination of respondent,

And, respondent having moved for dismissal of the aforesaid proceeding, for failure to timely prosecute,

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 proceeding 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 22, 2011.

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

-----X
Ilene Wittner,

Plaintiff-Appellant,

-against-

Barry Mackall, et al.,

Defendants-Respondents.
-----X

M-29
Index No. 113431/06

Defendants-respondents having moved for an order dismissing plaintiff-appellant's appeal taken from the order of the Supreme Court, New York County, entered on or about August 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 to dismiss the appeal is granted unless the appeal is perfected for the September 2011 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided defendants-respondents serve a copy of this order upon the plaintiff-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 March 22, 2011.

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

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

Respondent,

-against-

M-384
Ind. No. 3778/10

Ted Johnson, also known as Rodney
Johnson, also known as Teddy
Johnson,,

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 December 7, 2010, and from the purported appeals taken from certain interlocutory orders of said Court under Indictment No. 3778/10, for leave to have the appeal(s) heard upon the original record(s) and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted only to the extent of permitting the appeal from the judgment entered on or about December 7, 2010, to be heard upon 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 file 8 reproduced copies of such brief, together with the original record, with this Court. So much of the motion which seeks poor person relief with respect to the appeals from the aforesaid interlocutory orders is denied.

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.

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 22, 2011.

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

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

April B.,

Petitioner-Appellant,

-against-

Administration for Children's
Services,

Respondent-Respondent.
-----X

M-441
Docket No.
G-02068-9/10

Petitioner-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about December 8, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, 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 therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

E N T E R:


CLERK

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

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

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

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

Nyree S., also known as
Nyree D. S., etc.,

Petitioner-Respondent,

M-440
Docket No.
O-03546/08

Gregory C., also known as
Gregory L. C.,

Respondent-Appellant.
-----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 December 9, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, George E. Reed, Jr., Esq., 222 Mamaroneck Ave., White Plains, New York 10605, Telephone No. 914-946-5000, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3)

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

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

E N T E R:


CLERK

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

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

-----X
In the Matter of

Arnel Ashley B. and Britney Renee A.,
also known as Brittany A., and
Tiara A.,

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

M-573
Docket Nos. B224463/07
B224465/07
B224466/07

Edwin Gould Services for Children
and Families, et al.,

Petitioners-Respondents,

Cynthia T., also known as Cynthia
Annette T.,

Respondent-Appellant.

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

-----X

Appeals having been taken from three orders of the Family Court, Bronx County, all entered on or about November 4, 2009, and two of the aforesaid appeals [Docket Nos. B24463/07 and B24465/07] having been consolidated by order of this Court entered on February 16, 2010 (M-5840/M-5841),

And petitioners-respondents having moved to dismiss all 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, sua sponte, the appeal taken under Docket No. B24466/07 is hereby consolidated with the appeals previously consolidated by the order of this Court entered on February 16, 2010 (M-5840/M-5841). Petitioners' motion to dismiss said appeals is denied with leave to renew upon respondent-appellant's failure to perfect the consolidated appeals 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 22, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Sea Trade Maritime Corporation,
Plaintiff-Appellant,

-against-

M-313
Index No. 602648/02

Hellenic Mutual War Risks Association
(Bermuda) Limited, et al.,
Defendants-Respondents.

- - - - -
George Christy Peters,
Additional Defendant-Appellant.

-----X
[And a Third-Party Action]
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 21, 2010 (Appeal No. 3939),

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 22, 2011.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
David Friedman, Justices.

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

Respondent,

-against-

M-3579
Ind. No. 2481/00

Vincent Chambers,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on May 13, 2003 (Appeal No. 1128), unanimously affirming a judgment of the Supreme Court, Bronx County (David Stadtmauer, J.), rendered on September 17, 2001,

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 22, 2011.

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

-----X

Debra Weissman,
Plaintiff-Appellant,

-against-

M-6021
Index No. 101314/07

Ellyn D. Kessler, Esq., et al.,
Defendants-Respondents,

John Does, 1-10,
Defendants.

-----X

Plaintiff-appellant Debra Weissman 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 9, 2010 (Appeal Nos. 3584/3585/3586),

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 22, 2011.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-495
Ind. No. 3661/98

Rodney Samuels,

Defendant-Appellant.
-----X

Respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about May 18, 2010, **denying resentence,**

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.

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 22, 2011.

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

-----X

David Dawkins,

Petitioner-Respondent,

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

-against-

M-264
Index No. 401237/09

Jonathan David, etc.,

Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from an interim order of the Supreme Court, New York County, entered on or about March 23, 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. Sua sponte, the appeal is dismissed, without prejudice to respondent appealing a final judgment determining in this Article 78 proceeding.

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 22, 2011.

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

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

Respondent,

-against-

M-6333
Ind. No. 6005/02

Cesar Bernacet,

Defendant-Appellant.
-----X

Respondent having moved for dismissal of the appeal taken from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about April 4, 2009,

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

It is ordered that the motion is denied.

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 22, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-426

Ind. No. 1648/10

Antonio Silverio,

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 November 24, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), including the amount and sources of his income and listing his property with its value. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

E N T E R:


CLERK

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

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-558
Ind. No. 5073/96

Manuel Martinez,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 9, 2009 (M-1189), 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 9, 2008, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, 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.

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 22, 2011.

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

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

-against-

M-140
Ind. No. 4443/08

Gary McIntosh,
Defendant-Appellant.

-----X

An order of this Court having been entered on September 21, 2010 (M-3934), 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 June 30, 2010, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 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.

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 22, 2011.

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

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

-against-

M-257
Ind. No. 1760/10

Robin Ogando,
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 November 15, 2010, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Mark I. Cohen, Esq., and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

E N T E R:


CLERK

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

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-650
Ind. No. 3407/05

Benjamin Brownlee,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file an untimely notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 20, 2006, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 22, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Yousef Yahudaii,

Plaintiff-Respondent,

-against-

M-234

Index No. 103449/08

Nourallah Baroukhian, etc.,

Defendant-Appellant,

Manouchehr Malekan, et al.,

Defendants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 5, 2010,

And defendant-appellant Nourallah Baroukhian, pro se, having moved to stay enforcement of a certain judgment of Supreme Court, New York County, entered on or about September 14, 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. The interim stay granted defendant by the order of a Justice of this Court, dated January 18, 2011, is 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 March 22, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Diane T. Renwick
Leland G. DeGrasse
Rosaly H. Richter, Justices.

-----X
Echostar Satellite L.L.C.,

Plaintiff-Respondent,

-against-

ESPN, Inc., et al.,
Defendants-Appellants.

-----X

SEALED

M-672

Index No. 600282/08

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 13, 2011 and on or about February 4, 2011, respectively, and said appeals having been perfected,

And defendants-appellants having moved for an order staying the trial pending hearing and determination 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.

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 22, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. McGuire
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Joseph Delaney, et al.,
Plaintiffs-Appellants,

-against-

M-6192
Index No. 108818/05

The City of New York,
Defendant-Respondent.

-----X

Plaintiff-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. 3650),

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 22, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. McGuire
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-5249
Ind. No. 19070C/05

Juan Acevedo,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on April 20, 2008 (Appeal No. 4611), unanimously affirming a judgment of the Supreme Court, Bronx County (Denis J. Boyle, J.), rendered on July 5, 2007,

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

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

It is ordered that said application is denied.

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 22, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. McGuire
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
UBS Securities LLC, etc.,
Plaintiff-Appellant-Respondent,

SEALED

-against-

M-5905

Index No. 603057/07

Red Zone LLC, etc.,
Defendant-Respondent-Appellant.

-----X

Defendant-respondent-appellant Red Zone LLC 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 October 28, 2010 (Appeal No. 2921),

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 22, 2011.

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

-----X
Wells Fargo Bank, NA, As Trustee,
Plaintiff-Respondent,

-against-

Malcolm Brown, et al.,
Defendants-Appellants.

M-576
Index No. 20482/05

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about March 24, 2010, for failure to timely perfect,

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 22, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
David Friedman
Karla Moskowitz
Nelson S. Román, Justices.

-----X
Pamela A. Phillips,

Plaintiff-Appellant,

-against-

Gabe Hoffman, et al.,

Defendants-Respondents.
-----X

M-433
Index No. 602064/08

Plaintiff-appellant pro se 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 April 13, 2010 (mot. seq. no. 008, 009, 010),

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

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

E N T E R:


CLERK

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

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
David Friedman
Karla Moskowitz
Nelson S. Román, Justices.

-----X
Everett Stembridge,

Plaintiff-Appellant,

-against-

The Department of Education of the
City of New York,

Defendant-Respondent.
-----X

M-569
Index No. 111343/09

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 March 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 granted to the extent of enlarging the time in which to perfect the appeal to 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 22, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Hugo Ramirez,

Plaintiff-Respondent,

-against-

Cynthia Shoats,

Defendant-Appellant,

Everett Glasbie Construction, Inc.,
etc., et al.,

Defendants.

M-4861
M-6081
Index No. 15425/05

-----X

A decision and order of this Court having been entered herein on September 14, 2010 (Appeal No. 1993),

And said decision and order having been recalled and vacated by the decision and order of this Court entered herein on November 18, 2010 (Appeal No. 1993),

And defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered September 14, 2010 [M-4861],

And defendant-appellant having separately moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 18, 2010 (Appeal No. 1993) [M-6081],

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

It is ordered that the motion [M-6081] is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination entered on November 18, 2010, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which affirmed the order of 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.

It is further ordered that the motion [M-4861] is denied, as moot.

ENTER:


CLERK

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

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-82
Ind. No. 2920/92

Wilson Rodriguez,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on February 27, 1997 (Appeal No. 60137), unanimously affirming the judgment of the Supreme Court, Bronx County (Dominic Massaro, J.), rendered on July 11, 1994,

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 22, 2011.

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

-----X
In the Matter of the Application of
Annette Fergus Bristol,
Petitioner,

For a Judgment Pursuant to Article 78 M-589
of the Civil Practice Law and Rules, Index No. 402339/09

-against-

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

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about February 24, 2010,

And petitioner having moved for an enlargement of time to perfect the proceeding,

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. (See M-6245, 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 22, 2011.

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

-----X
In the Matter of the Application of
Annette Fergus Bristol,
Petitioner,

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

M-6245
Index No. 402339/09

-against-

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

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about February 24, 2010,

And respondent having moved for dismissal of the aforesaid proceeding,

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 granted and the proceeding is dismissed. (See M-589, 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 22, 2011.

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

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

-against-

M-314
Ind. No. 6333/09

Carlos Perez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 19, 2010, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

E N T E R:


CLERK

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

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Sharmaine Edwards,
Plaintiff-Appellant,

-against-

M-6148
Index No. 400190/00

New York City Transit Authority,
Manhattan and Bronx Surface Transit
Operating Authority and Jerome Pinsker,
Defendants-Respondents.

-----X

Plaintiff-appellant pro se having moved for relief in the nature of a stay of proceedings pending hearing and determination of a purported appeal taken from the order of the Supreme Court, New York County, entered on or about April 1, 2002, 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 22, 2011.

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

-----X
2281 First Realty, LLC,
Plaintiff-Respondent,

-against-

Warminster Investors Corporation,
also known as Warminster Investments
Corporation,
Defendant-Respondent,

M-410
M-598
Index No. 111121/08

-and-

Isa Brija, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 28, 2010,

And defendants-appellants having moved for an enlargement of time in which to perfect their appeal from the aforesaid order and judgment (M-410),

And plaintiff-respondent having cross-moved to dismiss defendant-appellant's appeal (M-598),

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

It is ordered that the defendants' motion (M-410) is granted to the extent of enlarging the time in which to perfect the appeal to the September 2011 Term, with no further enlargements to be granted. Plaintiffs' cross motion (M-598) to dismiss defendant's appeal is granted unless perfected for said September 2011 Term. Upon failure to perfect, an order dismissing the appeal may be entered ex parte, provided respondent serve a copy of this order upon appellants within 10 days after the date of entry hereof.

E N T E R:


CLERK

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

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

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

M-651
Ind. No. 2007BX06906

-against-

CERTIFICATE
DENYING LEAVE

Clinton Alexander,

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, dated on or about January 13, 2011 (Joseph J. Dawson, J.) is hereby denied.


Associate Justice

Dated: March 7, 2011
New York, New York

ENTERED: **MAR 22 2011**

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

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

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

-against-

M - 5194
Ind. No. 2997/10

ORDER

Lucy Cortes,
Defendant.

-----X

Bail pending disposition of Bronx County, Indictment No. 2997/10 having been set by the Supreme Court, Bronx County, on October 15, 2010 and defendant having moved in this Court for an order of recognizance or to be admitted to bail pending disposition of the above indictment,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied and dismissed for lack of jurisdiction (CPL 460.50).

Dated: 3/18, 2011
New York, New York


Justice of the Appellate Division

ENTERED: MAR 22 2011

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-550
Ind. No. 2968/2003

-against-

CERTIFICATE
GRANTING LEAVE

Quan Hong Ye,
Defendant-Appellant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about December 28, 2010.

Dated: March 11, 2011
New York, New York

ENTERED

MAR 22 2011



Hon. Rosalyn H. Richter
Associate Justice

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

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-272
Ind. No. 2051/03

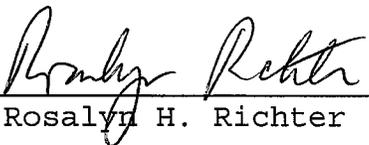
-against-

CERTIFICATE
DENYING LEAVE

Michael Atkins,

Defendant.
-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about December 1, 2010, is hereby denied.



Hon. Rosalyn H. Richter

Dated: March 9, 2011
New York, New York

ENTERED: **MAR 22 2011**

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

BEFORE: Hon. Rosalyn H. Richter
Justice of the Appellate Division

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

M-290
Ind. No. 5310/96

-against-

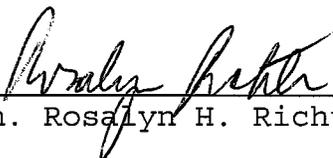
CERTIFICATE
DENYING LEAVE

Jose Escobar,

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 16, 2010, is hereby denied.



Hon. Rosalyn H. Richter

Dated: March 11, 2011
New York, New York

ENTERED: **MAR 22 2011**

PM ORDERS
ENTERED ON
MARCH 22, 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 22, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Sterling National Bank,
Plaintiff-Respondent,

-against-

M-954
Index No. 101850/10

American Elite Properties Inc.,
et al.,
Defendants-Appellants,

-and-

Rotot Realty, Inc., et al.,
Defendants.

-----X

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

And defendants-appellants having moved for a stay of enforcement of the aforesaid order 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.

