

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 24, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

Ruth Colon,
Plaintiff-Respondent,

M-3765

M-3768

-against-

M-3376

Index No. 24563/04

Shlo-Yank Holding, Ltd., et al.,
Defendants-Appellants.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about February 9, 2010 and April 30, 2010, respectively,

And defendants-appellants having moved for certain relief by separate motions (M-3765 and M-3376),

And plaintiff-respondent having cross-moved for certain relief (M-3768),

Now, upon reading and filing the papers with respect to the motions and cross motion, and the stipulation of the parties, dated August 23, 2010, and due deliberation having been had thereon, it is

Ordered that the motions and cross motion are deemed withdrawn.

ENTER:


CLERK

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

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

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

For Commitment Under Article 10 of the
Mental Hygiene Law,

-against-

M-5151
Ind. No. 30064/08

Derrick S.,
Respondent-Appellant.

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 1, 2010,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the assignment of counsel,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. 914-949-8214, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf.

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 24, 2011.

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

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

-against-

M-641
Ind. No. 1722/09

Cheichina Hamala Sidibe,
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 November 2, 2009, 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, setting forth the amount and sources of monies to pay the fee of trial counsel and an explanation as to why similar funds are not available to prosecute this appeal.

ENTER:


CLERK

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

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

-----X
In the Matter of
Javon Reginald. G., also known as
Javon N. - L., also known as
Javon N.,

A Dependent Child Under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York and/or Article 6 of the Family Court Act.

M-654
Docket No. B-6905/08

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

Everton Reginald. G.,
Respondent-Appellant.

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

-----X
Petitioner-respondent having moved for dismissal of the appeal taken from an order of the Family Court, New York County, entered on or about February 9, 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 denied. Sua Sponte, the time in which to perfect the appeal is enlarged 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 24, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Diane T. Renwick
Leland G. DeGrasse, Justices.

-----X
Allstate Insurance Company, et al.,
Plaintiffs-Respondents,

-against-

M-6356

Index No. 600509/03

Belt Parkway Imaging, P.C., et al.,
Defendants-Appellants,

Parkway Magnetic Resonance Imaging,
Inc., et al.,
Defendants.

-----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 30, 2010 (Appeal No. 3718),

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 24, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
James M. McGuire
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Skip Funt,
Plaintiff-Appellant,

-against-

M-5995
Index No. 124501/01

Human Resources Administration of the
City of New York,
Defendant-Respondent.

-----X

Orders of this Court having been entered on April 22, 2010 (M-4) and August 10, 2010 (M-2291), denying plaintiff-appellant 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 December 10, 2009 (Appeal No. 1711),

And plaintiff-appellant having repeatedly renewed his motion for reargument of or, in the alternative, for leave to appeal to the Court of Appeals,

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

It is ordered that the motion is denied, and the Clerk is directed to accept no further motions or applications in this action from plaintiff without prior leave 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 24, 2011.

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

-----X
Milton Moracho,
Plaintiff-Appellant,

-against-

M-292
M-316
Index No. 103377/07

Open Door Family Medical Center,
Inc., doing business as Open Door
Family Medical, et al.,
Defendants-Respondents,

Primary Care Development Corporation,
Defendant.

-----X

Defendant-respondent, Open Door Family Medical Center, Inc., doing business as Open Door Family Medical, 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. 3571N) [M-292],

And defendants-respondents, Scully Construction Corp. and Scully Construction, LLC, having moved for the same relief, [M-316],

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

Ordered that the motions are denied.

ENTER:


CLERK

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

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

-----X
In Re: New York City
Asbestos Litigation

Minnie Baird, Individually and
as Executrix for the Estate of
James Baird, et al.,
Plaintiffs-Respondent,

-against-

M-1083
Index No. 115594/01

A.C. & S., et al.,
Defendants,

Including Crane Co.,
Defendant-Appellant.

-----X
This Document Applies to

James Baird	Index No. 115594/01
Edward Collins	Index No. 113728/01
Nicholas Delfino	Index No. 111867/01
John Epp	Index No. 121854/01
Michael Flanagan	Index No. 115738/01
Salvatore Fragapane	Index No. 109204/01
Ernest Williams	Index No. 107181/01
Carl Wood	Index No. 113279/98

-----X
Defendant-appellant Crane Co. having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 8, 2011,

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

It is ordered that the motion is denied.

ENTER:


CLERK

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

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

-----X
In the Matter of

Anthony Gregory,
Petitioner-Appellant,

-against-

M-556
Index No. 402874/09

New York City Housing Authority,
Defendant-Respondent.

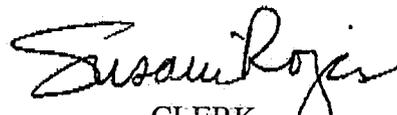
-----X

Petitioner-appellant having moved for a stay of the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 16, 2010, pending hearing and determination of the appeal taken therefrom, and for leave to prosecute said appeal as a poor person, and assignment of counsel, and related relief,

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

It is ordered that the motion is denied in its entirety, and the interim relief granted by an order of a Justice of this Court, dated February 7, 2011, is hereby vacated.

ENTER:


CLERK

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

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

-----X

Joan Banach,
Plaintiff-Appellant,

-against-

M-871
Index No. 600918/09

The Dedalus Foundation, Inc.,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 8, 2010 (mot. seq. no. 002),

And defendant-respondent having moved for leave to file a supplemental record on appeal to include all of the "opinions in the case", the memoranda of law submitted in connection with the defendant's motion to dismiss, and certain other material attached as Exhibit C through Q to defendant-respondent's moving papers,

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 allowing respondent leave to file, at its own expense, 9 copies of a supplemental record containing the aforesaid material designated as Exhibits C through Q attached to defendant-respondent's moving papers herein, together with a respondent's brief for the June 2011 Term. The attention of the parties is directed to 22 NYCRR §600.11.

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 24, 2011.

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

-----X
Yolanda Belmer,
Plaintiff-Respondent-Appellant,

-against-

M-673
Index No. 116906/04

HHM Associates, Inc.,
Defendant-Appellant-Respondent,

-and-

Consolidated Edison Company of New York,
et al.,
Defendants.

-----X

An appeal and cross appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about July 20, 2010,

And plaintiff-respondent-appellant, Yolanda Belmer, having moved to strike the appellant's brief and joint appendix, 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 adjourning the appeal and cross appeal to the September 2011 Term, with leave for a further adjournment, if necessary; remanding the matter to the Supreme Court, New York County, to settle the record with regard to the trial transcript and so called destroyed trial exhibits, and directing the parties to file a joint supplemental record on appeal after proceedings to settle the record are concluded in Supreme Court, and otherwise deny.

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 24, 2011.

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

-----X
Palisades Collection, L.L.C.,

Plaintiff-Respondent,

-against-

M-457
Index No. 100931/07

Lev Zamed,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about June 25, 2009 (mot. seq. no. 003),

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

It is ordered that the motion is denied and sua sponte 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 24, 2011.

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

-----X
In the Matter of the Application of
22 RSD Owners, LLC,

Petitioner-Landlord-Appellant,

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

-against-

M-382
Index No. 105140/09

State of New York Division of Housing
and Community Renewal, Office of Rent
Administration,

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

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about December 17, 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. Sua sponte, 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 24, 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

Jonathan Serge A. (B12855/07)
Isiah Steven A. (B12853/07)
and Jason Kevin A., (B12854/07)

Dependent Children under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York. M-458
Docket Nos. B12853/07
B12854/07
B12855/07

New Alternatives for Children, Inc.,
et al.,
Petitioners-Respondents,

Anne Elizabeth P. L.,
Respondent-Appellant.

Dennis G. Corr, Esq.,
Attorney for the Children.

-----X

Petitioners-respondents having moved for dismissal of the appeals taken from the orders of the Family Court, Bronx County, all 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 unless said appeals are perfected 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 24, 2011.

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

-----X
Suzanne Dodson,

Plaintiff-Respondent,

-against-

John Dodson,

Respondent-Appellant.
-----X

M-5858
Index No. 350353/05

Respondent-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 October 26, 2010 (Appeal Nos. 3459 - 3460),

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 24, 2011.

PRESENT - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Benjamin L. Anderson, etc.,
Plaintiff-Appellant,

-against-

Carl P. Belke, et al.,
Defendants-Respondents.

-----X
Benjamin L. Anderson, etc.,
Plaintiff-Appellant,

M-642

Index Nos. 600126/09
602210/08

-against-

Eugene H. Blabey, II, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 13, 2011 (Appeal No. 4054N),

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 24, 2011.

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

-----X
Schulte Roth & Zabel, LLP,
Plaintiff-Respondent,

-against-

M-516
Index No. 604605/02

Philip J. Kassover,
Defendant-Appellant.
-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 20, 2011 (Appeal No. 3578),

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 24, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

Marco Leal,
Plaintiff-Appellant,

-against-

M-5422

M-5621

Index No. 302734/07

New York Presbyterian Hospital,
Defendant-Respondent,

St. John's Riverside Hospital,
Pakasandra Rao, M.D. and Adrienne
Fueg, M.D.,
Defendants.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about September 21, 2009 (M-5422),

And defendant-respondent having cross-moved for dismissal of the aforesaid appeal (M-5621),

Now, upon reading and filing the papers with respect to the motion and cross motion, and the stipulation of the parties, dated December 17, 2010, and due deliberation having been had thereon,

It is ordered that the motion and cross motion, as well as the aforesaid appeal, are deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 24, 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,
Petitioner-Respondent,

For Commitment Under Article 10 of the
Mental Hygiene Law,

-against-

M-364
Ind. No. 30034/08

Gary M.,
Respondent-Appellant.

-----x

An appeal having been taken from an order of confinement of the Supreme Court, New York County, entered on or about June 17, 2010,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the assignment of counsel,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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

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 24, 2011.

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

-----X
Fernando J. Maldonado,

Plaintiff-Appellant,

-against-

M-521
Index No. 5392/04

Monica P. Maldonado,

Defendant-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about April 2, 2010,

And plaintiff-appellant having moved for leave to prosecute, as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for an enlargement of time in which to perfect the aforesaid appeal,

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 granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and files eight copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The time in which to perfect the appeal is enlarged to the September 2011 Term.

E N T E R:

Susan Rojas
CLERK

1

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 24, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels Justices.

-----X
Angela Johnson,

Petitioner-Appellant,

For an Order Pursuant to Article
78 of the CPLR,

-against-

M-1011
Index No. 400501/10

New York City Housing Authority and
Classical Apartments, L.P.,

Respondents-Respondents.
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about March 1, 2011, 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 in its entirety.

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 24, 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-418
Ind. No. 1381/09

Oman Gutierrez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about December 14, 2010, for leave to have the appeal heard 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, setting forth the amount and sources of monies to pay the fee of trial counsel, C. Martir, 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.)

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 24, 2011.

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

-----X
Michael Furnari, et al.,

Plaintiffs-Appellants,

-against-

M-614
Index No. 7138/04

The City of New York,

Defendant-Respondent.
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about May 5, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 24, 2011.

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

-----X
William Mapp,

Plaintiff-Respondent,

-against-

M-504
Index No. 307182/08

Commonwealth Development Corp. and
American Multi-Cinema Inc., initially
sued here as AMC Entertainment Inc.,
doing business as AMC Theatres,

Defendant-Appellant.
-----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 March 25, 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.

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 24, 2011.

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

-----X
In re 91st Crane Collapse Litigation: Index No. 771000/10
-----X
Donald Raymond Leo, Administrator of
the Estate of his son, Donald
Christopher Leo, deceased May 30, 2008,
Plaintiff-Respondent,

-against-

M-249
Index No. 117294/08

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

Sorbara Construction Corp.,
Defendant-Appellant.

-----X
Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 6, 2010 (mot. seq. no. 017),

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 24, 2011.

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

-----X
Jan Hudgins Riley,
Petitioner-Appellant,

-against-

M-476
Index No. 570248/09

Karen Ansis, etc.,
Respondent-Respondent,

"John Doe" and "Jane Doe",
Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about September 17, 2010,

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

It is ordered that the motion is denied.

ENTER:


CLERK

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

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Nicholas P. Dermigny,
Plaintiff-Respondent,

-against-

M-56
Index No. 109057/07

Muriel Siebert,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 7, 2010 (Appeal No. 3796),

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 in the County of New York on March 24, 2011.

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

-----X

Yitzchak M. Hirsch, etc., et al.,

Plaintiffs-Appellants,

-against-

M-628

Index No. 103504/10

New York City Department of Education,
et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for a stay pending hearing and determination of the purported appeal taken from the order of the Supreme Court, New York County, dated on or about January 25, 2011,

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

It is ordered that the motion is denied in its entirety, and the interim relief granted by an order of a Justice of this Court, dated February 10, 2011, is vacated.

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 24, 2011.

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

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

Gemini Real Estate Advisors, LLC,
et al.,

Petitioners-Appellants,

-against-

Byron Realty I Corporation,
Respondent-Respondent.

M-821
Index No. 116519/10

-----X

Petitioners-appellants having moved for a stay of arbitration proceedings titled, *Byron Realty I Corporation v Gemini Real Estate Advisors*, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 14, 2011,

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

It is ordered that the motion is 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 24, 2011.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x
JPMCC 2007-CIBC 19 Bronx Apartments,
LLC,
Plaintiff-Appellant,

-against-

M-957
Index No. 381025/09

Fordham Fulton LLC, et al.,
Defendants-Respondents,

New York City Housing Development
Corporation, et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about November 16, 2010, and said appeal having been perfected,

And defendants-respondents having moved for leave to supplement the record on appeal to include a decision and order of the Supreme Court, Bronx County, attached to defendants-respondents' moving papers as Exhibit A, dated December 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 granted to the extent of taking judicial notice of the aforesaid order, and defendants-respondents are directed to serve and file 9 copies of the aforesaid order (Exhibit A) with 10 days of 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 24, 2011.

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

-----X
In the Matter of

Steven O.,

A Person Alleged to Be a Juvenile
Delinquent,

M-623
Docket No. D-18883/09

Respondent-Appellant.
-----X

Appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, Bronx County, entered on or about April 27, 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.

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 24, 2011.

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

-----X

In the Matter of

Kaori N.,

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

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

M-377
Docket No.
NN-17071/09

Keith N.,
Respondent-Appellant.

- - - - -
Mark Paul Legere, Esq.,
Attorney for the Child.

-----X

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

- - - - -
Keith N.,
Respondent-Appellant,

Docket No.
V-3951-05/08B/09C

-against-

Judy C.,
Respondent-Respondent.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about December 20, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) 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 24, 2011.

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

-----X

In the Matter of

Matthew P.,

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

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

M-514
Docket No.
NN-25310/09

Ellen C.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about January 14, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Susan Jacobs, Esq., Center for Family Representation, Inc., 116 John Street, 19th Floor, New York, New York 10038, Telephone No. 212-691-0950, 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 24, 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-612
Ind. No. 2016/09

Jamel Barnes,
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 8, 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 to the extent of deeming the moving papers a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files ten reproduced copies of such brief, together with the original record, with this Court.

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

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

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

-----X
Alphonse Hotel Corp., doing business as
Hotel Carter,
Petitioner-Landlord-Respondent,

-against-

M-6321
Index No. 570703/08

Destiny Roseboom, etc.,
Respondent-Tenant-Respondent,

Calabro & Associates, P.C.,
Non-Party Movant.
-----X

Calabro & Associates, P.C. having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about September 17, 2010, 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 24, 2011.

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

-----X
Lawrence Brenner,
Plaintiff-Respondent,

-against-

M-599
Index No. 304803/08

Pamela Brenner,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 12, 2010 (mot. seq. no. 002),

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 24, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Wilfredo Rosado, Individually and
derivatively as shareholder on
behalf of Castillo Rosado, Inc.,
Edmundo Castillo LLC and Edmundo
Castillo International, S.r.L.,
Plaintiffs-Appellants,

-against-

M-722
Index No. 603214/04

Edmundo Castillo, Inc., Beverly
Whitaker doing business as The
Money Tree B&D Financial Strategies,
Inc., Edmundo Castillo and Denise
Cassano,
Defendants-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about January 21, 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 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 24, 2011.

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

-----X

Milagros Rosario, et al.,

Plaintiffs-Appellants,

-against-

M-419

Index No. 7618/06

Bronx Park South III Associates, L.P.,

Defendants-Respondents.

-----X

Plaintiffs-appellants 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 6, 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.

E N T E R:


CLERK

1

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 24, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Joseph W. Sullivan,
Plaintiff-Respondent,

-against-

M-432
Index No. 115092/08

William F. Harnisch, et al.,
Defendants-Appellants.

-----X

Defendants-appellants 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 Nos. 3147 and 3147A),

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 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 modified the orders 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.

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 24, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
Diane T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
National Puerto Rican Day Parade,
Inc., et al.,

Plaintiffs-Respondents,

M-201

Index No. 304390/08

-against-

Casa Publications, Inc., et al.,

Defendants-Appellants,

John Doe "One",

Defendant.
-----X

Defendants-appellants having moved for reargument of the decision and order of this Court entered on December 21, 2010 (Appeal No. 3564),

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 24, 2011.

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

-----X
Millennium Import, LLC,

Plaintiff-Respondent,

-against-

Reed Smith LLP, et al.,

M-5976
Index Nos. 603350/07
59100/07

Defendants-Appellants.
-----X

Defendants-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 4, 2010 (Appeal No. 3301),

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 24, 2011.

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

-----X
Clara Bailon,
Plaintiff-Appellant-Respondent,

Clara V. Bailon,
Plaintiff,

-against-

M-6253
Index No. 23824/02

Guane Coach Corp., et al.,
Defendants,

Oliverio Calderon, et al.,
Defendants-Respondents-Appellants.

-----X

Plaintiff-appellant-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 30, 2010 (Appeal No. 3518N),

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

1

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 24, 2011.

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

-----X
In the Matter of the Application of
Aishah Ratti,
Petitioner,

For an Order Pursuant to Article 78 of
the Civil Practice Law and Rules,

M-520
Index No. 402375/09

-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 23, 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

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-442
Ind. No. 4813/97

-against-

CERTIFICATE
DENYING LEAVE

Leroy Dickerson,

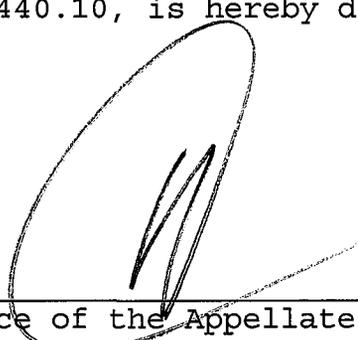
Defendant.

-----X

I, Richard T. Andrias, 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 Section 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, (Michael J. Obus, J.), entered November 4, 2010, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York
March 11, 2011

Entered: March 24, 2011



Justice of the Appellate Division

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M-245
Ind. No. 6284/08

-against-

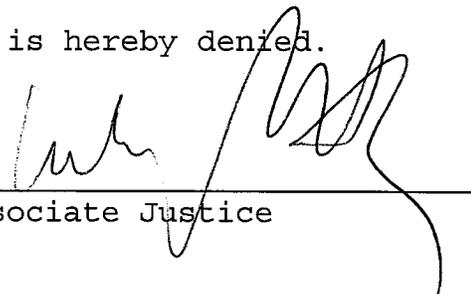
CERTIFICATE
DENYING LEAVE

Alo Ablakatov

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application deemed 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 that ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the orders of the Supreme Court, New York County, entered on or about October 20, 2010, is hereby denied.



Associate Justice

Dated:
New York, New York

ENTERED: March 24, 2011

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. Karla Moskowitz
Justice of the Appellate Division

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

M- 6126
Ind. No.4826/08

-against-

Angelo Mayes,
Defendant-Appellant.

ORDER DENYING ROR OR
BAIL AFTER APPEAL TAKEN

-----X

An appeal having been taken to this Court by the above-named defendant from the conviction of the Supreme Court, New York County, rendered on October 22, 2010 and defendant having moved, pursuant to CPL 460.50 for a stay of execution of sentence pending hearing and determination of the aforesaid appeal or in the alternative for an order releasing him on his recognizance or upon the fixing of bail pending hearing and determination of the aforesaid appeal,

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.

Dated: New York, New York

ENTERED: March 24, 2011



Karla Moskowitz
Justice of the Appellate Division

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

MAR 24 2011

David B. Saxe,
James M. McGuire
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román,

Justice Presiding,

Justices.

-----x

In the Matter of Yong Wang,
an attorney and counselor-at-law:

M-389

Departmental Disciplinary Committee
for the First Judicial Department,
Petitioner,

Yong Wang,

Respondent.

-----x

Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent, Yong Wang, was admitted to the Bar of the State
of New York at a Term of the Appellate Division of the
Supreme Court for the Third Judicial Department on
June 23, 1998.

Jorge Dopico, Chief Counsel, Departmental
Disciplinary Committee, New York
(Norma I. Lopez, of counsel), for petitioner.

Yong Wang, for respondent.

Motion No. 389 - February 1, 2011

In the Matter of Yong Wang, An Attorney

PER CURIAM

Respondent Yong Wang was admitted to the practice of law in the State of New York by the Third Judicial Department on June 23, 1998. Although it appears that he no longer maintains a law office within this State, because his last known business address and the home address listed on his last attorney registration are both located within this Judicial Department, this Court maintains jurisdiction over this matter pursuant to 22 NYCRR 603.1 (see *Matter of Fletcher*, 70 AD3d 63, 64 [2009]).

The Departmental Disciplinary Committee moves for an order pursuant to 22 NYCRR 603.4(e)(1)(i), immediately suspending respondent from the practice of law until further order of the Court due to his failure to cooperate with the Committee's investigation into complaints of professional misconduct which threatens the public interest, and his failure to register with the Office of Court Administration and pay his biennial registration fee as required by Judiciary Law § 468-a.

The Committee's investigation into respondent's conduct began when it received complaints from three clients of respondents, two of whom complained that respondent had neglected their immigration matters, another who complained of respondent's failure to communicate and to turn over files. After notices

sent to all of respondent's known addresses were returned as undeliverable, a Committee investigator obtained information that respondent had moved to China, and located a former colleague of respondent's, who forwarded the Committee's email to respondent in China.

In email to the Committee, respondent indicated that he had closed his office in November 2008 and moved back to China after that. He explained that he had taken no steps to formally resign because he thought non-payment of the biennial registration fee would serve to inform the Committee that he had discontinued his practice.

The Committee then informed respondent by responsive email that he was required to provide a mailing address where he could be reached, and to formally answer the three client complaints, or, in the alternative, to acknowledge the misconduct and pursue a disciplinary resignation. Although respondent continued to ask, through email, for further information about the complaints, he did not provide a mailing address.

In the absence of a means of personally serving respondent with this interim suspension motion, the Committee sought and received an order directing service by publication, which was effectuated.

Pursuant to 22 NYCRR 603.4(e)(1), this Court may suspend an attorney from the practice of law pending consideration of

charges of professional misconduct, upon a finding that the attorney is guilty of professional misconduct immediately threatening the public interest. Such a finding may be based upon "the attorney's failure ... to comply with any lawful demand of this court or the Departmental Disciplinary Committee made in connection with any investigation ..." (22 NYCRR 603.4[e][1][i]).

Respondent's inaccessibility, his failure to submit written answers responding to the complaints, to advise of his address change and to answer this motion, together demonstrate a complete disregard for his duties as an attorney, constituting professional misconduct immediately threatening the public interest, such as warrants his immediate suspension from the practice of law (see 22 NYCRR 603.4[e][1][i]; *Matter of Amukele*, 58 AD3d 128 [2008]; *Matter of Pierini*, 21 AD3d 42 [2005]).

Accordingly, the Committee's motion should be granted and respondent suspended from the practice of law pursuant to 22 NYCRR 603.4(e)(1)(i), effective immediately, and until further order of this Court.

All concur.

Order filed.

PM ORDERS
ENTERED ON
MARCH 24, 2011

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 24, 2011.

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

-----X
Northe Group, Inc.,
Plaintiff-Appellant,

-against-

Spread NYC, LLC, et al.,
Defendants-Respondents.

M-707
Index No. 600068/10

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 29, 2010 and on or about February 14, 2011, respectively,

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