

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 May 5, 2011.

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

-----X
Herman Gross and R.A.K. Tennis Corp.,

Plaintiffs-Appellants,

-against-

Roderick Waywell, et al.,

Defendants-Respondents.
-----X

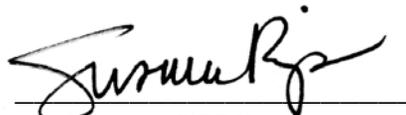
M-1403X
Index No. 602861/09

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 8, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 23, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2011.

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

-----X
Flushing Hospital Medical Center,
as assignee of Chengfan Cui,

Plaintiff-Respondent,

-against-

Countrywide Insurance Company,

Defendant-Appellant.
-----X

M-1411X
Index No. 103413/09

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 4, 2010,

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2011.

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

-----X
Lauren E. Swart, et al.,

Plaintiffs-Appellants/Plaintiffs-
Respondents,

-against-

M-1534X
Index No. 107968/08

General Electric Company, et al.,

Defendants-Respondents/Defendants-
Appellants.

-----X

Separate appeals having been taken from the orders of the Supreme Court, New York County, entered on or about April 12, 2010 and December 16, 2010 (mot. seq. nos. 002, 004), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 30, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

David Lee,

Defendant-Appellant,

-----X

M-1549

Ind. Nos. 4842/08

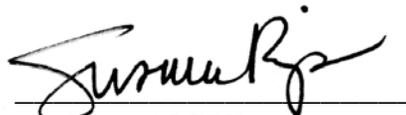
4843/08

Appeals having been taken from the judgments of the Supreme Court, New York County, rendered on or about June 11, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated March 22, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2011.

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

-----X
Mark Klinkov,
Plaintiff-Respondent,

-against-

M-1445X
Index No. 7533/07

Riverbay Corp.,
Defendant-Appellant.

-----X
Riverbay Corp.,
Third-Party Plaintiff-Appellant,

-against-

Index No. 86260/07

WB Contracting Corp.,
Third-Party Defendant-Respondent.

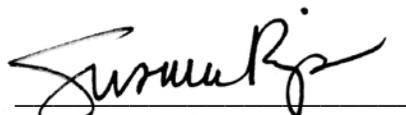
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 25, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2011.

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

-----X
St. Paul Fire and Marine Insurance
Company, as subrogee of Chelsea 27th
Apartments, LLC, etc.,

Plaintiffs-Respondents,

-against-

M-811
Index No. 601323/06

Woodworks Construction Co., Inc. and
Liberty Plumbing,

Defendants-Appellants.
-----X

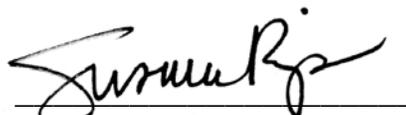
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 13, 2010,

And counsel for defendants-appellants, Fiedelman & McGaw (Dawn C. DeSimone of counsel), having moved to withdraw the aforesaid appeal,

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

It is ordered that the motion is granted and the appeal is 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 May 5, 2011.

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

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

-against-

M-4918
Ind. No. 2134/86

Ramon Perez,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 9, 2008 **denying resentence**, and defendant having moved for leave to prosecute said appeal as a poor person, 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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. So much of the motion which seeks an extension of time in which to file a notice of appeal is denied as unnecessary.

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 May 5, 2011.

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

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

-against- **M-945**
Ind. No. 1144/10

Edwin Vazquez-Mendez, also known as
Edwin Vasquez Mendez, also known as
Edwin Mendez Vasquez,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 5, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, 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 M. Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. (212)577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

M-981

-against-

Ind. No. 2790/08

Isabel Ruffen,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 24, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

-against-

M-1000
Ind. No. 8647/98

Peter Showers,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about February 10, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 May 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Diane T. Renwick
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-1284
Ind. No. 3687N/05

Wanda Duran De La Rosa,

Defendant-Appellant.

-----X
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 13, 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 deeming the moving papers a timely filed notice of 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 May 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Diane T. Renwick
Rosalyn H. Richter, Justices.

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

-against-

M-1112
Ind. No. 1048/04

Roger Brown,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Michael Obus, J.) entered on or about February 3, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Obus as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 May 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Diane T. Renwick
Rosalyn H. Richter, Justices.

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

Alpheaus Marcus,
Petitioner-Appellant,

M-1041
Index No. 340517/10

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

-against-

The New York State Division of Parole,
Respondents-Respondents.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about February 3, 2011, 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.

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 May 5, 2011.

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

-----X
Jeffrey Manas,

Plaintiff-Respondent,

-against-

M-1004
Index No. 570038/10

Susan Garfinkle, doing business as
Susan Garfinkle Interiors,

Defendant-Appellant.
-----X

Defendant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 3, 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 May 5, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
Karla Moskowitz
Helen E. Freedman, Justices.

-----X

Roland's Electric, Inc.,
Plaintiff-Appellant,

-against-

M-1524
Index No. 109510/08

USA Illumination, Inc., and Phillips
Lighting Electronics, North America
A Division of Philips Electronics
North America Corporation,
Defendants-Respondents.

-----X

(And a Third-Party Action)

Plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 1, 2011 (mot. seq. no. 004), 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, all proceedings are stayed pending hearing and determination of the appeal and the time within which the parties must move for summary judgment is enlarged to within 60 days after the issuance of this Court's order on the aforesaid 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 May 5, 2011.

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

-----x
Coastal Sheet Metal Corp.,
Plaintiff-Respondent,

-against-

RJR Mechanical, Inc., et al., M-1562
Defendants-Appellants, Index No. 400303/06

New York State University Construction
Fund, et al.,
Defendants.

-----x

A decision and order of this Court having been entered on March 24, 2011 (Appeal No. 4616), unanimously affirming a judgment of the Supreme Court, New York County (Karen S. Smith, J.), entered on April 22, 2009; and an appeal having been taken from a subsequent order of said Court entered on or about August 10, 2010 (mot. seq. no. 008),

And defendants-appellants having moved for vacatur of the decision and order of this Court dated March 24, 2011 (Appeal No. 4616), for withdrawal of the appeal from the order entered on or about August 10, 2010, and for an extension of time to submit a reply brief pending hearing and determination of this motion,

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 granting defendants-appellants leave to file a late reply brief forthwith, and adjourning argument of the appeal from May 5, 2011 to May 12, 2011, and the motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Karla Moskowitz
Diane T. Renwick
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1139

Ind. No. 2904/09

Kevin Young,

Defendant-Appellant.

-----X

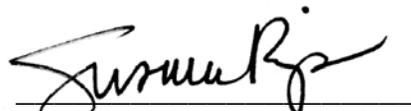
An order of this Court having been entered on July 1, 2010 (M-2297), inter alia, assigning Robert S. Dean, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on December 16, 2009,

And counsel having moved for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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 submission by appellate counsel of a certified copy of defendant's death certificate.

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 May 5, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Rolando T. Acosta
Diane T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-1188
Ind. No. 3242/09

Greg Poirier,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 21, 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.

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 May 5, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Rolando T. Acosta
Diane T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-1190
Ind. No. 2332/09

Jeffrey Scarborough,
Defendant-Appellant.
-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about January 19, 2011, 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.

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 May 5, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Rolando T. Acosta
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Dale Kleinser,
Plaintiff-Appellant,

-against-

Mark Astarita, et al.,
Defendants-Respondents.

M-1235
Index No. 116844/06

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from orders of the Supreme Court, New York County, entered on or about June 22, 2009, November 6, 2009 and July 1, 2010, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before August 8, 2011 for the October 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 May 5, 2011.

Present: Hon. Peter Tom, Justice Presiding
Angela M. Mazzarelli
Rolando T. Acosta
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
In the Matter of the Application of
Kenneth Paccio,

Petitioner-Appellant,

For a Judgment, etc.,

M-1249

Index No. 115490/09

-against-

Raymond Kelly, etc., et al.,

Respondents-Respondents.

-----X

Petitioner-appellant 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 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 on or before August 8, 2011 for the October 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 May 5, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Darcy Mastrangelo,
Plaintiff-Respondent,

-against-

M-1624

Index No. 106667/06

Roosevelt Island Operating Corporation
of the State of New York, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 31, 2011,

And defendants-appellants having moved for a stay of trial, and for a stay of a deposition of one of defendant's employees pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition that defendants perfect their appeal for the September 2011 Term. Upon failure to so perfect, an order vacating the stay(s) may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon defendants-appellants 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 May 5, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
In the Matter of the Application of
Countrywide Insurance Company,

Petitioner-Appellant, **M-1396**
Index No. 106563/10
For a Judgment, etc.,

-against-

DHD Medical, P.C.,

Respondent-Respondent.

-----X

Petitioner-appellant having moved for a stay of certain arbitration proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 30, 2010, said appeal having been perfected for the June 2011 Term,

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 May 5, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justice.

-----X
Elie Hirschfeld,

Plaintiff,

-against-

M-1639
Index No. 303872/09

Susan Hirschfeld,

Defendant.

-----X

An order of the Supreme Court, New York County, having been entered on April 5, 2011 (mot. seq. no. 007), declining to sign an order to show cause requesting certain relief with respect to the prior order of said Court, entered on or about March 1, 2011,

And defendant having moved, pursuant to CPLR 5704(a), for, inter alia, an order of this Court granting certain injunctive relief denied by the aforesaid order of Supreme Court,

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

Ordered that 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 May 5, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

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

-against-

M-1066
Ind. No. 1664/09

Dewayne Robertson,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 6, 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.

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 May 5, 2011.

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

-----X
Keisha, G.-S.,
Plaintiff-Respondent,

-against-

M-582
Index No. 76176/07

Alfonso S.,
Defendant-Appellant.

- - - - -
Monica Eskin,
Attorney for the Children.

-----X

An order of this Court having been entered on March 16, 2010 (M-208), granting defendant-appellant leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about November 12, 2009 [Docket No. O-8975/06], and assigning Lisa H. Blitman, Esq., as counsel to prosecute the appeal, with related relief,

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

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

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, Lisa H. Blitman, Esq., 225 Broadway, Suite 1203, New York, NY 1007, Telephone No. (212) 724-2792 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.**

Sua sponte, the appeals are consolidated and the time within which appellant shall perfect the consolidated appeals is enlarged until 120 days from the date of the filing of the record on the appeal from the order entered on or about November 17, 2010.

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2011.

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

-----X
In the Matter of the Application of
Solvieg McAuley,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1038
Index No. 109386/09

Raymond Kelly, as Police Commissioner
of the City of New York, and as
Chairman of the Board of Trustees
of the Police Pension Fund, Article II,
The Board of Trustees of the Police
Pension Fund, Article II, New York
City Police Department and the City
of New York,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 4, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 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 May 5, 2011.

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

-----X
James Pettus,
Petitioner-Appellant,

-against-

M-6114
Ind. No. 6117/02

Chief Clerk, New York, and ADA Randolph
Clark, Jr.,
Defendant-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about September 17, 2010, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Joyce Meshel,
Plaintiff-Appellant,

-against-

Jeffrey Meshel,
Defendant-Respondent.

M-1114
Index No. 350604/04

-----X

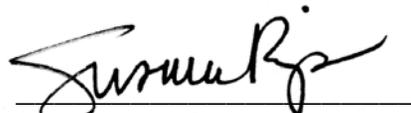
Appeals having been taken from a judgment and order of the Supreme Court, New York County, entered on or about August 27, 2008 and May 7, 2010 (mot. seq. no. 008), respectively,

And plaintiff-appellant 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 August 27, 2008,

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 from the aforesaid judgment entered August 27, 2008 to the September 2011 Term, and sua sponte the time in which to perfect the aforesaid appeal from the order entered May 7, 2010 (mot. seq. no. 008) is enlarged to said September 2011 Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2011.

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

-----X

Great American Insurance Companies,
et al.,
Plaintiffs,

M-1415
M-1730

-against-

Index No. 103565/08

Bearcat Financial Services, Inc.,
et al.,
Defendants.

-----X

Patrick Hayes,
Third-Party Plaintiff-Appellant,

Third Party

-against-

Index No. 590789/09

Dresdner, Kleinwork, Wasserstein
Services, LLC,
Third-Party Defendants-Respondents.

-----X

Third-party plaintiff-appellant Patrick Hayes having moved (M-1415) for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about May 3, 2010 (mot. seq. no. 006),

And third-party defendant-respondent Dresdner, Kleinwork, Wasserstein Services, LLC, having moved (M-1730) to dismiss the appeal, for failure to timely perfect,

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-1415) is granted to the extent of enlarging plaintiff-appellant's time to perfect the appeal to the October 2011 Term. Accordingly third-party defendant-respondents' motion (M-1730) to dismiss the appeal is granted unless the appeal is perfected for said October 2011 Term.

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 May 5, 2011.

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

-----X
In the Matter of the Application of
Frommer Lawrence & Haug, LLP, and
Edgar H. Haug,

Petitioners,

For an Order, Pursuant to CPLR §7503(b),
Staying an Arbitration Commenced By

SEALED

M-1758

Index No. 650966/11

Thomas J. Kowalski,

Respondent.
-----X

Petitioner having moved, pursuant to CPLR 5704(a), to stay arbitration pending hearing and determination of their petition for a permanent stay of arbitration, said relief having been denied by a Justice of the Supreme Court, New York County, on or about April 12, 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 May 5, 2011.

PRESENT: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X

Dominic Bonomonte,
Plaintiff-Appellant,

-against-

The City of New York,
Defendant-Respondent.

-----X

M-227

Index No. 106954/06

Plaintiff-appellant having moved for reargument of, or leave to appeal to the Court of Appeals from, the decision and order entered on December 14, 2010 (Appeal No. 2964),

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, insofar as it seeks reargument, is denied.

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

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 5, 2011.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Scharold Peterson, Individually and
as Guardian of Sareese Locus, an
infant under the age of four (4) years,
Plaintiffs-Respondents,

-against-

M-1303
Index No. 20442/97

The City of New York,
Defendant-Appellant,

-and-

Richard Allen Center on Life, Inc.,
Pius XII Youth and Family Service,
Inc., and Loretta Thompson,
Defendants-Respondents.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from order of the Supreme Court, Bronx County, entered on or about May 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 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 May 5, 2011.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Christopher Rich,

Plaintiff-Respondent,

-against-

M-1357
Index No. 21482/06

125 West 31st Street Associates, LLC
and Gotham Construction Company, LLC,

Defendants-Appellants.
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 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 the October 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 May 5, 2011.

PRESENT: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Lizette Rivera,
Plaintiff-Respondent,

-against-

M-1312
Index No. 109199/06

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

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about February 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 enlarging the time in which to perfect the appeal to the October 2011 Term.

ENTER:



CLERK

APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

Respondent,

M-578
Bronx Co.
Ind. No. 4213/07

-against-

CERTIFICATE
GRANTING LEAVE

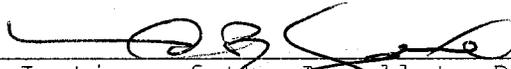
Adam Jamison, also known as Adam A.
Jamison,
Defendant-Appellant.

-----X

I, David B. Saxe, 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, Bronx County, entered on or about December 22, 2010.¹

Dated: New York, New York

Entered: May 5, 2011



Justice of the Appellate Division

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.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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-1329
Ind. No. 6779/2001

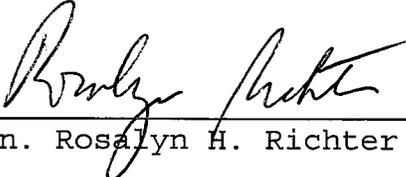
-against-

CERTIFICATE
DENYING LEAVE

Juan Castillas, also known as Juan
Castillo,
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 December 23, 2010, is hereby denied.



Hon. Rosalyn H. Richter

Dated: April 20, 2011
New York, New York

ENTERED: May 5, 2011.

PM ORDERS
ENTERED ON
MAY 5, 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 May 5, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding
David Friedman
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X

Kenneth Negron, etc., et al.,
Plaintiffs-Respondents,

-against-

M-1750
Index No. 23194/05

Jeffrey Garcia, et al.,
Defendants,

-and-

Super Trans N.Y., Inc., et al.,
Defendants-Appellants.

-----X

[and other actions]

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 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.

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 May 5, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding
David Friedman
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Global Imports Outlet, Inc., doing
business as Global Fine Productions,
Plaintiff-Respondent,

-against-

M-1735
Index No. 602695/07

The Signature group, LLC,
Defendant-Appellant,

-and-

240 Grand Studio, Inc.,
doing business as Western Spirit,
Defendant-Respondent,

-and-

Cast Iron Company, LLC, et al.,
Defendants.

-----X

Defendant-appellant 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 July 2, 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.

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 May 5, 2011.

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

-----X
Sara Kinberg,
Plaintiff-Appellant,

-against-

Yoram Kinberg and Jane Bevans,
Defendants-Respondents.

M-1754
M-1757
Index No. 1628/06

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 21, 2010, and said appeal having been perfected,

And defendant-respondent Jane Bevans having moved for an order striking plaintiff's record on appeal or, in the alternative, to allow defendants-respondents to file a supplemental appendix on appeal (M-1754),

And plaintiff-appellant having moved for an order striking defendants-respondents' brief (M-1757),

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

Ordered that the defendant-respondent's motion is granted only to the extent of deeming the supplemental appendix submitted to this Court as Exhibit A to defendant-respondent's motion papers filed for the June 2011 Term (M-1754). Defendant-respondent Bevans is directed to serve and file with this Court the requisite number of copies of said supplemental appendix forthwith. Plaintiff's motion to strike defendants' brief is denied (M-1757).

ENTER:


CLERK.