

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 12, 2011.

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

-----X
Jason Roer,
Plaintiff-Respondent,

-against-

M-1740X
Index No. 114879/08

150 West End Avenue Owners Corp.,
et al.,
Defendants-Appellants,

-and-

ACP 150 West End Avenue Associates,
L.P.,
Defendant,

-and-

Carol Sarnoff,
Defendant-Appellant.

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about December 22, 2010 (mot. seq. nos. 003, 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 12, 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It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.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 12, 2011.

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

-----X

Fernando Mateo, et al.,

Plaintiffs-Respondents,

-against-

M-922

Index No. 602043/09

Henry Vargas, et al.,

Defendants-Appellants.

-----X

[And a Third-Party Action]

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 29, 2010 (mot. seq. no. 003),

And plaintiffs-respondents having moved for an order holding determination of the aforesaid appeal in abeyance pending certain proceedings in Supreme Court, New York County,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Garvey Schubert Barer, Esq. (Malcolm Seymour, of counsel), counsel for plaintiff-respondent, dated April 7, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 2011.

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

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

Gene P., M-1074
Petitioner-Appellant, Docket No. V-04316/09

-against-

Korena B.,
Respondent-Respondent.
-----X

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

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Leslie S. Lowenstein, Esq., 567 Sunset Drive, Woodmere, New York 11598, Telephone No. 516-994-6831, 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**

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

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

ENTER:



CLERK

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 12, 2011.

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

-----X

The People of the State of New York,
Respondent,

-against-

Salvador Agustin, also known as
Salvador Augustine,
Defendant-Appellant.

-----X

SEALED

M-1067

Ind. No. 6768/02

An order of this Court having been entered on April 21, 2009 (M-1356), inter alia, granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 12, 2008, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

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 12, 2011.

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

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

Reynaldo M.,
Petitioner-Appellant,

M-1867
Docket No. V19100/07

-against-

Violet F.,
Respondent-Respondent.

-----X

Respondent-respondent mother having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about April 15, 2010, for the assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 8 copies thereof are filed with this Court.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 2011.

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

-----X
The People of the State of New York
ex rel. Dominic Lorocco,
Petitioner,

-against-

M-1269
Ind. No. 341142/09

Warden, Riker's Island and New York
State Division of Parole,
Respondent.

-----X

Petitioner having moved for leave to file a pro se supplemental brief in connection with the above proceedings transferred by order of the Supreme Court, New York County, entered on or about May 10, 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, as academic, the challenged determination having been confirmed and the petition having been dismissed by order of this Court entered March 24, 2011 (Appeal No. 4623).

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 12, 2011.

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

-----X
The People of the State of New York
ex rel. David Fisher, on behalf of
George Castro,

Petitioner,

-against-

Dora Schriro, Commissioner,
New York Department of Corrections,

Respondent.
-----X

M-668
Ind. No. 100188/11
SCID # 30003/11

An appeal having been taken from the judgment of Supreme Court, New York County, entered on or about January 11, 2011,

And petitioner having moved for bail reduction, 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 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 12, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X

Aquilina Williams,

Plaintiff-Appellant,

-against-

M-1103

Index No. 14070/06

DRBX Holdings, LLC,

Defendant-Respondent.

-----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 27, 2011 (Appeal No. 4118),

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 12, 2011.

Present: Hon. Peter Tom, Justice Presiding
Richard T. Andrias
David Friedman
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
In the Matter of

Giovanni D. and
Andre B.,

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

M-1057
Docket Nos. NN22345-46/07

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

Wilner G. B.,
Respondent-Appellant.

- - - - -
Stella Terhune, Esq.,
Attorney for the Children.

-----X

An order of this Court having been entered on January 25, 2011 (M-5450), inter alia, granting respondent-appellant father leave to prosecute, as a poor person, the appeal taken from the orders of the Family Court, Bronx County, entered on or about September 20, 2010, and assigning Randall Carmel, Esq., as counsel to prosecute the appeal,

And Stella Terhune, Esq., Family Court Attorney for subject children, Giovanni D. and Andre B., having moved for an order to be relieved as attorney for subject children and to substitute other counsel to respond to the appeal,

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

It is ordered that the motion is granted to the extent of 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 attorney for the subject children for purposes of responding to the 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 12, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Diane T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Stephanie Cosman Connery and Micheline
Connery,

Plaintiffs-Appellants,

M-1386

Index No. 401336/05

-against-

Burton S. Sultan,

Defendant-Respondent.
-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 18, 2010 (mot. seq. no. 014),

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
In the Matter of the Application of
Shirley Betts,

Petitioner-Appellant,

For a Judgment Pursuant to Article
78 of the CPLR,

M-1389
Index No. 403007/09

-against-

New York City Housing Authority,
St. Nicholas Houses,

Respondent-Respondent

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, entered on or about May 28, 2010, for a free copy of the transcripts, and for an enlargement of time to perfect the appeal,

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

It is ordered that the motion, to the extent it seeks poor person relief, is denied, with leave to renew upon petitioner's submission of a detailed notarized affidavit, inter alia, specifying petitioners-appellant's assets and liabilities, in compliance with CPLR 1101. The motion, to the extent it seeks an enlargement of time to perfect the appeal, is granted, the time in which to perfect the appeal is enlarged 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 12, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Diane T. Renwick
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Denise Schulman,
Plaintiff-Respondent,

-against-

M-1392

Index No. 15120/07

34th Street Partnership, Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 3, 2011, and said appeal having been perfected and adjourned to the September 2011 Term, pursuant to a stipulation so ordered by a Justice of this Court on April 11, 2011,

And plaintiff-respondent having moved for an order adjourning the aforesaid appeal and striking defendant's record on appeal,

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

Ordered that the motion is granted to the extent of directing defendant-appellant to serve and file 9 copies of a supplemental record on appeal to include those portions of the record on appeal reproduced as Exhibit 3 of the moving papers, at the cost of defendant-appellant, on or before July 11, 2011 for the aforesaid September 2011 Term, and otherwise denied as academic, the relief having been provided by the aforesaid so ordered 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 12, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Timothy Reynaldo L. M., also known
as Timothy L.,

M-1632

Docket No. B3262/07

A Dependent Child under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

- - - - -
The Children's Aid Society,
et al.,
Petitioners-Respondents,

Reynaldo M.,
Respondent-Appellant,

Frances M.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq.,
Attorney for the Child.

-----X

Separate appeals having been taken by the respective respondent-appellant parents from the order of the Family Court, New York County, entered on or about May 18, 2009, and the appeal taken by respondent-appellant mother Frances M. having been perfected,

And petitioners-respondents having moved for consolidation of the aforesaid appeals, and for an extension of time in which petitioners-respondents and attorney for the subject child may file a single responding brief with respect to the aforesaid appeals,

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

It is ordered that the motion is granted only to the extent of permitting petitioners-respondents and the attorney for the subject child each to file a single set of respondent's points on or before September 7, 2011 for the October 2011 Term, to which Term the appeal taken by respondent-appellant mother is adjourned. Sua sponte, respondent-appellant father's time in which to perfect his appeal is enlarged to said October 2011 Term. The motion, to the extent it seeks consolidation of the appeals, is granted only to the extent of directing the Clerk to calendar the respective appeals for hearing together on the same day of 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 the County of New York on May 12, 2011.

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

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

-against-

M-189
Ind. No. 350/09

Reginald I. Harmon, Sr.,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about February 6, 2010,

And defendant-appellant having moved for leave to proceed pro se on the appeal, 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 a letter having been issued by the Court to appellant on January 13, 2011, advising him of the consequences of proceeding pro se, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of allowing defendant-appellant to proceed pro se, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment shall be substituted in place of the original indictment and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the District Attorney of said county and file 8 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, of the plea or trial and sentence.

The Clerk is directed to forward to the Warden of the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, the transcript to be made available to appellant, without charge, and returned by him to this Court when submitting his pro se appellate brief.

The time in which appellant shall perfect this appeal is enlarged to the November 2011 Term. Appellant is advised that the appeal will not be heard unless and until all material furnished to him has been returned to 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 May 12, 2011.

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

-----X
In the Matter of the Application of Mazur
Carp Rubín & Schulman, P.C., Attorneys at
Law,
Petitioners-Respondents,

to Fix and Determine Compensation of Said Attorneys for Litigation Services Rendered to Ruth A. Haderski, Sherrill L. Deandrage, Grace L. Price, Margaret M. Haderski and Susan M. Cook as Beneficiaries of the Estate of

M-1198
Surrogate's Court
File No. 2929/04

Stephen Haderski, also known as Stephen J. Haderski, Jr., also known as Stephen J. Haderski, also known as Stephen Joseph Haderski, Deceased,
Respondents-Appellants.

-----X

Appeals having been taken to this Court from an order of the Surrogate's Court, New York County, entered on or about January 14, 2010 and the decree from the same Court and Surrogate entered on or about September 16, 2010,

And an order of this Court having been entered November 23, 2010 (M-5418), inter alia, granting respondents-appellants a stay of enforcement of the Surrogate's Court decree on certain conditions, the appeal from the order having been subsumed in the appeal from the decree,

And respondents-appellants having moved for an enlargement of time in which to perfect the aforesaid 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 enlarging the time in which to perfect the appeal to the September 2011 Term. The stay previously granted by this Court is continued on condition specified in the parties' stipulation dated March 1, 2011, which appears as exhibit B to the moving papers.

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 12, 2011.

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

-----X

Ratha Mak,
Plaintiff-Respondent,

-against-

Silverstein Properties, Inc.,
Defendant-Respondent,

M-956

Index Nos. 15129/06
85550/06
86267/07

120 Broadway Holdings, LLC,
Defendant-Appellant,

Platinum Maintenance Services Corp.,
et al.,
Defendants.

Ratha Mak,
Plaintiff-Respondent,

-against-

Silverstein Properties, Inc.,
Defendant-Appellant,

120 Broadway Holdings, LLC,
Defendant-Respondent,

Platinum Maintenance Services Corp.,
et al.,
Defendants.

[And Other Actions]

-----X

Defendant, Silverstein Properties, Inc., 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 February 17, 2011 (Appeal Nos. 4297 and 4298),

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:

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

CLERK

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 12, 2011.

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

-----X
Jean E. Francois,

Plaintiff-Appellant,

-against-

Courier Car Rental, et al.,

Defendants-Respondents.
-----X

M-818

Index No. 104072/06

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 10, 2010 (mot. seq. no. 005),

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

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 2011.

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

-----X
In the Matter of the Application of
Pinky Davis,
Petitioner-Appellant,

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

M-1179
Index No. 402935/09

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X
Respondent-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 13, 2010, for failure to timely perfect,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 2011.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-1132
Ind. No. 3261/08

Julian Silva,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 15, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsels, Lawrence Fishse, Esq. and David Goldstein, Esq., and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 2011.

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

-----x

The People of the State of New York,
Appellant,

-against-

M-1171
Ind. No. 4795/03

Sherill Dudley, also known as
Terry Grant,
Defendant-Respondent.

-----x

The People having moved for an enlargement of time in which to perfect the appeal from the order of **resentence** of the Supreme Court, New York County, entered on or about April 28, 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 12, 2011.

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

-----X
Omni Contracting Company, Inc.,

Plaintiff-Appellant,

-against-

The City of New York, et al.,

Defendants-Respondents.
-----X

M-1280
Index Nos. 603812/08
105634/07

Plaintiff-appellant having moved for an enlargement of time in which to perfect the consolidated appeals from the orders of the Supreme Court, New York County, entered on or about November 18, 2009 (mot. seq. no. 001), March 9, 2010 (mot. seq. no. 002), and June 29, 2010 (mot. seq. no. 003), 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 consolidated appeals 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 12, 2011.

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

-----x
Noel M. Wiederhorn, MD, etc.,
Petitioner-Respondent,

-against-

M-1436
Index No. 601265/10

J. Ezra Merkin, et al.,
Respondents-Appellants.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, and from the order and judgment (one paper) of said Court, entered on or about August 17, 2010 (mot. seq. nos. 001, 002) and February 9, 2011, respectively,

And respondents-appellants having moved for a preference of hearing of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of sua sponte consolidating the aforesaid appeals, and permitting appellants to prosecute the consolidated appeals upon nine copies of one record and of one set of appellant's points covering the consolidated appeals, which are to be perfected to on or before August 8, 2011, for the October 2011 Term. The Clerk is directed to maintain the consolidated appeals on said October 2011 Term, and the motion is otherwise denied. 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 May 12, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Helen E. Freedman, Justices.

-----X
In re C. Virginia Fields, et al.,

Petitioners-Respondents,

-against-

M-1350

Index No. 104389/08

New York City Campaign Finance Board,

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 8, 2011 (Appeal No. 2522),

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 12, 2011.

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

-----X

Luisa C. Esposito,

Plaintiff-Respondent,

-against-

M-1155

Index No. 570337/10

Allen H. Isaac, individually and as a partner of Gladstein & Isaac, et al.,

Defendants-Appellants.

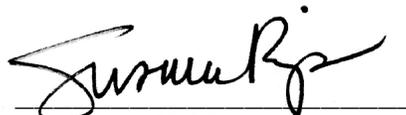
-----X

Defendant-appellant Allen H. Isaac, individually and as a partner of Gladstein & Isaac 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 October 22, 2010, and for a continuation of the stay of discovery and trial in the New York City Civil Court matter titled, *Luisa C. Esposito v Allen H. Isaac, et al.* (Index No. 502-TSN-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 denied in all respects.

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 12, 2011.

Present: Hon. David B. Saxe, Justice Presiding
David Friedman
James M. McGuire
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

-against-

M-1156
Ind. No. 1302/10

Thomas A. Howell,
Defendant-Appellant.

-----X

Defendant having renewed the 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 12, 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 granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 12, 2011.

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

-----X

Benjamin Cunningham,

Plaintiff-Appellant,

-against-

David Newman, M.D., et al.,

Defendants-Respondents.

-----X

M-648

Index No. 401014/09

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on February 3, 2011 (Appeal No. 4190),

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 12, 2011.

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

-----X

In the Matter of

Crystal Jessica P.,

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

- - - - -

Episcopal Social Services,
Petitioner-Respondent,

M-1027
Docket No. B-1903/10

Andrea L., also known as
Andrea Marie L.,
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, Bronx County, entered on or about January 26, 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, Frederic P. Schneider, Esq., 40 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 646-512-5730, 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.**

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 12, 2011.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Karla Moskowitz
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

Sona Shah,
Plaintiff-Appellant,

-against-

M-1069
Index No. 113231/02

Wilco Systems, Inc.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 8, 2011 (Appeal No. 4201),

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

It is ordered that the motion is denied.

ENTER:



CLERK

PM ORDERS
ENTERED ON
MAY 10, 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 10, 2011.

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

-----X
Elizabeth Hinkle,

Plaintiff-Appellant,

-against-

Jonathan R. Trejo, et al.,

Defendants-Respondents.
-----X

M-1379
Index No. 100908/07

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 or about October 29, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 10, 2011.

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

-----X
George Zouvelos,

Plaintiff-Appellant,

-against-

M-1291
Index No. 101652/11

New York State Insurance Department,
Defendant-Respondent.

-----X

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

And plaintiff-appellant having moved to stay a certain administrative hearing pending hearing and disposition 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 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 10, 2011.

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

-----x
Vito Sacchetti, et al.,
Plaintiffs-Respondents,

-against-

M-1817
Index No. 301374/07

Stern Agency, Inc.,
Defendant-Appellant,

Merchants and Business Mens Mutual
Insurance Company, et al.,
Defendants.

- - - - -
[And a third-party action]

-----x

Plaintiffs-respondents having moved for adjournment of the appeal from an order of the Supreme Court, Bronx County, entered on or about June 16, 2010,

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

It is ordered that the motion is granted, and the appeal is adjourned to the October 2011 Term.

ENTER:


CLERK

PM ORDERS
ENTERED ON
MAY 12, 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 12, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
David Friedman
Helen E. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----x

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

-against-

M-1353
Index No. 109510/08

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

-----x

(And a Third-Party Action)

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 1, 2011 (mot. seq. no. 004),

And defendant-respondent USA Illumination, Inc. having moved for an extension of time to file a respondent's brief,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the September 2011 Term.

ENTER:


CLERK