

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 October 13, 2011.

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

-----X

Michelle Polias,
Plaintiff-Respondent,

M-3862X

-against-

Index No. 113341/08

195 Broadway, LLC,
Defendant-Appellant.

- - - - -

195 Broadway, LLC,
Third-Party Plaintiff-Appellant,

-against-

Index No. 590811/09

Citnalta Construction Corp. and
Slattery-Skanska Inc.,
Third-Party Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 3, 2011 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 22, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 13, 2011.

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

-----X
Maria L. Moreno, etc.,
Plaintiff-Respondent,

-against-

St. Barnabas Hospital, et al.,
Defendants-Appellants,

M-3863X
Index No. 17892/05

Quest Diagnostics Clinical
Laboratories, Inc., et al.,
Defendants.

- - - - -
[And other actions]

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 2, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 22, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 13, 2011.

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

-----X
Gordon Group Investments, LLC,
Plaintiff-Respondent,

-against-

M-3864X
Index No. 650795/09

Michael "Jack" Kugler, et al.,
Defendants,

Alexander Vik,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 22, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 22, 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 October 13, 2011.

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

-----X
Remy R. Foussard,

Plaintiff-Respondent,

-against-

M-3901X
Index No. 100154/10

Emee Olarte-Foussard,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 6, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 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 October 13, 2011.

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

-----X
Edward Callegari,
Plaintiff,

-against-

Davis & Partners, LLC, et al.,
Defendants-Respondent-Appellants,

Drew Rose,
Defendant-Respondent.

M-3913X
Index No. 102354/05

- - - - -
Davis & Partners, LLC, et al.,
Third-Party Plaintiffs-
Respondents-Appellants,

-against-

Jansen Associates, Inc.,
Third-Party Defendant-
Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 22, 2011 (mot. seq. no. 011),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 23, 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 October 13, 2011.

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

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

Respondent,

-against-

M-3820

Ind. No. 793/11

Hendrix Castillo,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 8, 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 ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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 October 13, 2011.

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

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

Respondent,

-against-

M-3821

Ind. No. 907/11

Camron Erby,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 23, 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 ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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 October 13, 2011.

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

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

Respondent,

-against-

M-3822

Ind. No. 5619/10

Felix Garcia,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 1, 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 ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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 October 13, 2011.

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

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

Respondent,

-against-

M-3823

Ind. No. 1469/11

Anthony Gomez,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 23, 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 ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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 October 13, 2011.

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

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

Respondent,

-against-

M-3824

Ind. No. 5763/08

Mark Hollingsworth,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 20, 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 ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

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

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:



A handwritten signature in black ink, appearing to read "Susan R. Jones", is written over a horizontal line. The signature is cursive and stylized.

CLERK

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 October 13, 2011.

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

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

Respondent,

-against-

M-3828
Ind. No. 1597/10

Jermel Redwine,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 23, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

October 13, 2011

(M-3829)

-2-

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 October 13, 2011.

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

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

Respondent,

-against-

M-3830
Ind. No. 3332/09

Argelis Salcedo,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 22, 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 ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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 October 13, 2011.

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

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

Respondent,

-against-

M-3831

Ind. No. 5845/10

Patrick Thomas,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 22, 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 ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

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

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 October 13, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

- - - - -
Derek J. W., Jr.,
Petitioner-Appellant,

M-4399
Docket No. V4046/10

-against-

Susan R.,
Respondent-Respondent.

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about October 29, 2010, and said appeal having been perfected,

And respondent-respondent mother having moved for leave to respond to the appeal as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, George E. Reed, Jr., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, 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 petitioner-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the February 2012 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 October 13, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
David B. Saxe
John W. Sweeny, Jr., Justices.

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

For Commitment Under Article 10 of
the Mental Hygiene Law,

M-4073
Index No. 30013/10

-against-

Bobby P.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of confinement of the Supreme Court, New York County, entered on or about October 22, 2010,

And respondent-appellant having moved for an enlargement of time in which to perfect 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, sua sponte, the aforesaid appeal is consolidated with the appeal taken from the order of said Supreme Court entered on or about June 23, 2011, and it is directed that the consolidated appeals be perfected for the February 2012 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 October 13, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

Michael McGlone and Patricia McGlone,
Plaintiffs-Appellants,

-against-

M-4039

Index No. 111625/06

The Port Authority of New York and
New Jersey, et al.,
Defendants-Respondents,

Semcor Equipment and Manufacturing
Corporation,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 10, 2011, and said appeal having been perfected (mot. seq. no. 006),

And plaintiffs having moved to stay enforcement of so much of the aforesaid order of the Supreme Court which directed plaintiffs to provide defendants with authorizations to certain medical records, pending hearing and determination of 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.

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 October 13, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

Olga Romero Nunez and Margarito
Martinez, as administrators of the
Estate of Melisio Martinez, also
known as Melecio Martinez,
Plaintiffs-Respondents,

M-4337

M-4389

Index No. 14097/06

-against-

New York Organ Donor Network, Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 13, 2011, and said appeal having been perfected,

And defendant-appellant having moved to stay proceedings pending hearing and determination of the aforesaid appeal (M-4337),

And plaintiffs-respondents having cross-moved to dismiss the aforesaid appeal, and for other or alternative relief (M-4389),

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

Ordered that defendant's motion (M-4337) is granted. Plaintiffs' cross motion (M-4389) is denied. Sua sponte, the appeal is adjourned to the January 2012 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 October 13, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
James M. Catterson
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4235
Ind. No. 1780/06

Freddy Medina,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 1, 2008, and said appeal having been perfected,

And defendant having renewed his motion to enlarge the record on appeal to include, inter alia, certain grand jury minutes, and for related relief,

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

Ordered that the motion is granted to the extent of adjourning the appeal to February 2012 Term and directing the People to file the subject grand jury minutes for an in camera review on or before January 4, 2012. 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 October 13, 2011.

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

-----X
Project Gamma Acquisition Corporation,
a Delaware corporation and 3217926 Nova
Scotia Company, a Nova Scotia unlimited
liability company,
Plaintiffs-Appellants,

-against-

M-3080
Index No. 604224/07

PPG Industries, Inc., a Pennsylvania
corporation, PPG Industries Securities,
Inc., a Delaware corporation, PPG
Canada Inc., a Canadian corporation,
PPG Industries Ohio, Inc., a Delaware
corporation, and PPG Industries de
Mexico, S.A., de C.V., a Mexico
corporation,
Defendants-Respondents.

-----X
PPG Industries, Inc., a Pennsylvania
corporation, PPG Industries Securities,
Inc., a Delaware Corporation, PPG
Canada Inc., a Canadian Corporation,
PPG Industries Ohio, Inc., a Delaware
Corporation, and PPG Industries de
Mexico, S.A., de C.V., a Mexico
Corporation,

Third-Party Plaintiffs,

Third-Party
Index No. 590015/08

-against-

Platinum Equity, LLC, Platinum Equity
Capital Partner II, L.P., Platinum
Equity Partners II, LLC, as general
partner of Platinum Equity Capital
Partners II, L.P. and Platinum Equity
Advisors, LLC,
Third-Party Defendants.

-----X

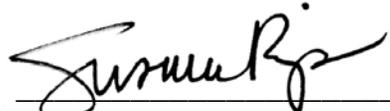
An appeal having been taken from of the Supreme Court, New York County, entered on or about November 17, 2010 (mot. seq. no. 007),

And plaintiffs-appellants 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 appeal is withdrawn. (See M-4225, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2011.

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

-----X
Project Gamma Acquisition Corporation,
a Delaware corporation and 3217926 Nova
Scotia Company, a Nova Scotia unlimited
liability company,
Plaintiffs-Appellants,

-against-

PPG Industries, Inc., a Pennsylvania
corporation, PPG Industries Securities,
Inc., a Delaware corporation, PPG
Canada Inc., a Canadian corporation,
PPG Industries Ohio, Inc., a Delaware
corporation, and PPG Industries de
Mexico, S.A., de C.V., a Mexico
corporation,
Defendants-Respondents.

M-4225
Index No. 604224/07

-----X
PPG Industries, Inc., a Pennsylvania
corporation, PPG Industries Securities,
Inc., a Delaware Corporation, PPG
Canada Inc., a Canadian Corporation,
PPG Industries Ohio, Inc., a Delaware
Corporation, and PPG Industries de
Mexico, S.A., de C.V., a Mexico
Corporation,
Third-Party Plaintiffs,

-against-

Platinum Equity, LLC, Platinum Equity
Capital Partner II, L.P., Platinum
Equity Partners II, LLC, as general
partner of Platinum Equity Capital
Partners II, L.P. and Platinum Equity
Advisors, LLC,
Third-Party Defendants.

Third-Party
Index No. 590015/08

-----X

An appeal having been taken from of the Supreme Court, New York County, entered on or about November 17, 2010 (mot. seq. no. 007),

And plaintiffs-appellants having moved for an enlargement of time in which to perfect the aforesaid appeal,

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

It is ordered that the motion is denied as unnecessary, the appeal having been withdrawn. (See M-3080, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2011.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman
Nelson S. Román, Justices.

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

-against-

M-3835
Index No. 106667/06

Roosevelt Island Operating Corporation
of the State of New York,
Defendant,

Roosevelt Island Housing Management
Corp., et al.,
Defendants-Appellants.

-----X

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

And an appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 24, 2011,

And defendants-appellants having moved to stay discovery pending hearing and determination of the aforesaid appeal from the aforesaid order entered June 24, 2011,

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

It is ordered that the motion is granted on condition that the appeal is perfected for the February 2012 Term, to which Term defendants' perfected appeal taken from the order of said Supreme Court, entered on or about March 31, 2011, is adjourned. The Clerk is directed to calendar the appeals for hearing together if the instant appeal is so perfected.

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 October 13, 2010.

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

-----X
Robert M. Morgenthau, etc.,
Plaintiff-Appellant,

-against-

M-3056
Index No. 402477/09

Joseph DiNapoli,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of the decision and order of this Court entered on May 31, 2011 (Appeal No. 5210),

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 October 13, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-1387
Ind. No. 4685/94

Luis Paulino, also known as Luis
Rodriguez,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 1, 1999 (Appeal No. 685), unanimously affirming a judgment of the Supreme Court, Bronx County (Harold Silverman, J.), rendered on April 3, 1997,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X

In the Matter of

Thaddeus Jacob C., also known as
Baby Boy M.,

M-3984
Docket No. B14696/08

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

- - - - -
Leake & Watts Services, Inc., et al.,
Petitioners-Respondents,

Tanya K. M.,
Respondent-Appellant.

- - - - -
Andrew Baer, Esq.,
Attorney for the Child.

-----X

Joanne Bourne, Esq., attorney for the subject child, having moved on child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about March 25, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. (212) 233-0318,

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 petitioner-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 October 13, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of the Application of

Charles Bryant,

Petitioner-Respondent,

M-3979

Index No. 113361/09

For a Judgment, etc.,

-against-

New York City Department of Education,

Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 9, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2012 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 October 13, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Sheila Abdus-Salaam, Justices.

-----X

Crystal Briton,

Plaintiff-Appellant,

-against-

M-3816

Index No. 115485/06

Joe Turco, et al.,

Defendant-Respondent.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about January 6, 2010, January 12, 2010, December 13, 2010 and February 16, 2011, respectively, and said appeal having been perfected,

And plaintiff having moved relief in the nature of vacatur of certain Supreme Court orders other than the aforementioned orders appealed from, 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 October 13, 2011.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Leland G. Degrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

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

-against-

M-2048
Ind. No. 2678/97

John Francis, also known as
Alphonso Lester,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 30, 2001 (Appeal No. 4766), unanimously affirming a judgment of the Supreme Court, New York County (Michael Obus, J.), rendered on July 27, 1998,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Edward Bramson,
Petitioner,

M-2872
Index No. 114235/09

For a Judgment, etc.,

-against-

NYC Department of Consumer Affairs,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 12, 2010,

And petitioner having moved for leave to prosecute the aforesaid proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for an enlargement of time in which to perfect said proceeding,

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

It is ordered that the motion, to the extent it seeks an enlargement of time in which to perfect the proceeding is denied and, sua sponte, petitioner's proceeding is dismissed. So much of petitioner's motion which seeks poor person relief is denied, as moot.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2011.

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

-----X

In the Matter of

Jules S. and Tatiana S.,

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

M-4164
Docket Nos. B615/09
B616/09

- - - - -
Catholic Guardian Society and Home
Bureau, et al.,
Petitioners-Respondents,

Julio S.,
Respondent-Appellant.

- - - - -
Randall Carmel, Esq.,
Attorney for the Child,
Jules S.,

Kenneth M. Tuccillo, Esq.,
Attorney for the Child,
Tatiana S.

-----X

Respondent-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 June 28, 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, Richard L. Herzfeld, Esq., 61 Broadway, Suite #1900, New York, NY 10006, Telephone No. (212) 818-9019, 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.** (See M-4393 and M-4128, decided simultaneously herewith.)

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 October 13, 2011.

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

-----X
In the Matter of

Jules S. and Tatiana S.,

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

M-4128
Docket Nos. B615/09
B616/09

Catholic Guardian Society and Home
Bureau, et al.,
Petitioners-Respondents,

Julio S.,
Respondent-Appellant.

Randall Carmel, Esq.,
Attorney for the Child,
Jules S.,

Kenneth M. Tuccillo, Esq.,
Attorney for the Child,
Tatiana S.

-----X

Melinda Oliver, Esq., Family Court attorney for the child, Tatiana S., having moved on said child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about June 28, 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, Kenneth Tuccillo, Esq., P.O. Box 576, Hasting on Hudson, New York, NY 10706, Telephone No. (914) 439-4843, 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 petitioner-appellant and 8 copies thereof are filed with this Court. (See M-4164 and M-4393, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2011.

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

-----X
In the Matter of

Jules S. and Tatiana S.,

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

M-4393
Docket Nos. B615/09
B616/09

Catholic Guardian Society and Home
Bureau, et al.,
Petitioners-Respondents,

Julio S.,
Respondent-Appellant.

Randall Carmel, Esq.,
Attorney for the Child,
Jules S.,

Kenneth M. Tuccillo, Esq.,
Attorney for the Child,
Tatiana S.

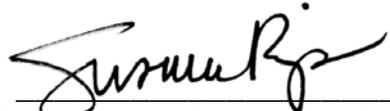
-----X

Mina MacFarlane, Esq., Family Court attorney for the child, Jules S., having moved on said child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about June 28, 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516) 921-8800, 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 petitioner-appellant and 8 copies thereof are filed with this Court. (See M-4164 and M-4128, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Ambac Assurance Corporation, et al.,

Plaintiffs-Appellants,

-against-

M-3876

Index No. 600070/10

DLJ Mortgage Capital, Inc., et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 3, 2011 (mot. seq. no. 010), and said appeal having been perfected,

And plaintiff, Ambac Assurance Corporation, having moved for leave to enlarge the record on appeal to include a certain document attached to the moving papers as Exhibit E.,

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

Ordered that the motion is granted to the extent of permitting plaintiff Ambac to file, as an exhibit and at its own expense, an addendum to the record on appeal, which is to include the complete motion, opposition, reply papers, and accompanying exhibits submitted in connection with plaintiffs-appellants' motion to reargue before the Supreme Court, New York County, (Shirley Werner Kornreich, J.), including the decision rendered on August 5, 2011, on or before November 7, 2011 for the January 2012 Term, to which Term the appeal is adjourned.

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 October 13, 2011.

PRESENT - Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Liane Flechtner,
Plaintiff-Appellant,

-against-

M-3156
Index No. 110073/07

Apple Computer and Macklowe Properties,
Defendant-Respondent.

(And a third-party action)
-----X

Defendant-respondent Macklowe Properties having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about August 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 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 October 13, 2011.

PRESENT - Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Maria Kotlar,
Plaintiff-Appellant,

-against-

Raylene Acosta and GVC Ltd.,
Defendants-Respondents.

M-3720
Index No. 305899/09

-----X

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 30, 2010,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2011.

PRESENT: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Yoon Kil Shin, AE Song Shin and 159
E. 121 Realty LLC,
Plaintiffs-Appellants,

-against-

Chang Moon Sohn,
Defendant-Respondent.

M-3329
M-3668
Index No. 114982/08

-----X

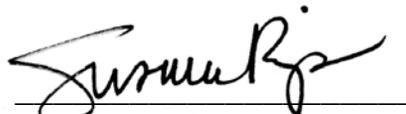
Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from an order of the Supreme Court, New York County, entered on or about March 2, 2010 (M-3329),

And defendant-respondent having cross-moved to dismiss the appeal (M-3668),

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

Ordered that the motion, to the extent it seeks an enlargement of time to perfect the appeal, is denied (M-3329). The cross motion to dismiss the appeal is granted and the appeal is dismissed (M-3668).

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 October 13, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3387
Ind. No. 4407/09

Jimmy Martinez,
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 January 25, 2011, 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 October 13, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
In the Matter of

Donte W.,

M-3315

A Person Alleged to Be a Juvenile
Delinquent,

Docket No. D313/11

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about July 6, 2011, as a poor person, 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 Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., P.O. Box 576, Hasting on Hudson, New York, 10706, Telephone No. (914) 439-4843, 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 State of New York from funds available therefor;¹ **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

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

upon receipt of this order; and (4) directing appellant 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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over 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 October 13, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

-against-

M-3449

Ind. No. 8685/98

Pedro Santana,
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, entered on or about May 17, 2010, **denying resentence**, 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 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.

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 October 13, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3372
Ind. No. 4215/09

Oscar Padilla,
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 (Carol Berkman, J.) entered on or about June 23, 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 Berkman 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 in which to perfect the appeal is enlarged to the January 2012 Term, with permission to seek further enlargements, if necessary.

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 October 13, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Joseph Kleinplatz, M.D.,

Plaintiff-Appellant,

-against-

Karen Burstein, Esq., et al.,

Defendants-Respondents.
-----X

M-3457

Index No. 108314/08

Plaintiff-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 June 17, 2011 (mot. seq. no. 003), 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 upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

In the Matter of the Application for Leave to render a Judicial Settlement of the Account of Proceedings of Bridget Kennedy, as Administratrix of the Estate of Zakiya Kennedy, Deceased.

M-3529
File No. 2227/04

- - - - -

Bridget Kennedy,
Respondent-Respondent,

Kevin Kennedy,
Objectant-Appellant.

-----X

Objectant-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Surrogate's Court, New York County, entered on or about June 11, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

- - - - -
Sandra A. H.,
Petitioner-Respondent,

M-3853
Docket No. V-18451/09

-against-

Josefina M., also known as Josefina P.,
also known as Josefina M.-L.,
Respondent-Appellant.

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about January 19, 2011, and said appeal having been perfected,

And petitioner-respondent having moved for leave to respond to the appeal as a poor person, 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, Julian A. Hertz, Esq., 15 Sherwood Drive, Larchmont, New York 10538, Telephone No. 914-834-5461, 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 petitioner-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the February 2012 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 October 13, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-2662
Ind. No. 4247/03

Anthony Brown,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 14, 2010 (M-4128), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, entered on or about July 29, 2010, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal,

And defendant-appellant having moved for an order relieving assigned counsel and for the assignment of Richard Greenberg, Esq., The Office of Appellate Defender, as counsel to prosecute the appeal, for an order rejecting a stipulation of the parties dated May 25, 2011 agreeing to withdraw 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, to the extent it seeks substitution of assigned counsel, is denied. So much of the motion which seeks rejection of the aforesaid stipulation withdrawing the appeal, is granted, and it is further,

Ordered that, sua sponte, defendant-appellant is granted leave to file a pro se supplemental brief, and defendant is directed to serve and file 8 copies of his pro se supplemental brief on or before January 2, 2012 for the March 2012 Term, to

which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant-appellant is incarcerated a transcript of the minutes relating to defendant-appellant's appeal, said transcript to be made available to defendant-appellant and returned by defendant-appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to defendant-appellant has been returned.

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 October 13, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
Sherwin Skeet,

Plaintiff-Appellant,

-against-

M-3429

Index No. 570662/98

Department of Consumer Affairs and
Pathways to Housing,

Defendants-Respondents.

-----X

Plaintiff-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about March 1, 2011 (mot. seq. no. 004), 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 October 13, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

In the Matter of

Caroline Gisela P.,

M-3791

Docket No. M9284/11

A Subject of a Consent to Marry Proceeding,

Miosoty A.,
Petitioner-Appellant.

-----X

Petitioner-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about July 29, 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, sua sponte, the appeal is dismissed, as no appeal lies from the aforesaid order (See Family Court Act 1112). The motion for poor person relief and the assignment of counsel is denied, as academic.

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 October 13, 2011.

PRESENT: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

James Lastra,

Plaintiff-Appellant,

-against-

M-3320

Index No. 251372/09

Barnes & Noble,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 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, sua sponte, the appeal is dismissed inasmuch as no appeal lies from the aforesaid order. The motion, to the extent it seeks an enlargement of time in which to perfect said appeal, is denied as academic.

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 October 13, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Arbitration of
Certain Controversies Between

Social Service Employees Union, Local
371, on behalf of its member Sherie
Brown,

M-3405
Index No. 100208/10

Petitioner-Appellant,

-against-

New York City Board of Correction,
Respondent-Respondent.

-----X

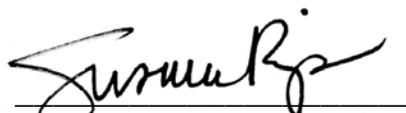
An appeal having been taken by petitioner from the order of the Supreme Court, New York County, entered on or about October 19, 2010,

And respondent-respondent having moved for an order of this Court summarily affirming the Supreme Court order appealed from, or for alternative 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 directing petitioner to perfect their appeal for the February 2012 Term with no further enlargement to be granted, and 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 October 13, 2011.

PRESENT: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Alastair Onglingswan,
Plaintiff-Appellant,

-against-

M-3164
Index No. 115505/09

Chase Home Finance, LLC, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about March 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 granted to the extent of enlarging the time in which to perfect the appeal to the February 2012 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 October 13, 2011.

PRESENT: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Scott Marano,
Plaintiff-Respondent,

-against-

Domenick Galante,
Defendant-Appellant.

M-3604
Index No. 113578/09

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 5, 2010 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2012 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 October 13, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

In the Matter of the Application of
Arlene Allen,
Petitioner-Respondent,

M-3428

Index No. 402322/10

For a Judgment, etc.,

-against-

New York City Housing Authority.
Respondent-Appellant.

-----X

Respondent, New York City Housing Authority, having moved for leave to appeal to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 4, 2011, and for a stay of enforcement of said order pending hearing and determination of 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 deeming the moving papers a timely notice of appeal (CPLR 5520[b]), and staying enforcement of the aforesaid order of Supreme Court entered on or about March 4, 2011 pending hearing and disposition of the appeal only insofar as to stay said Court's remand of the matter to the respondent agency for further proceedings, 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 October 13, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
Mark Komlosi,
Petitioner/Plaintiff-Respondent,

For a Judgment Pursuant to Articles 78
and 30 of the CPLR,

M-3454
Index No. 115207/09

-against-

Andrew Cuomo, etc., et al.,
Respondents/Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 9, 2010 (mot. seq. no. 002), and said appeal having been perfected,

And Emery Celli Brinckerhoof & Abady LLP, counsel for petitioner/plaintiff-respondent, having moved with leave to withdraw as counsel in connection with the aforesaid appeal,

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

It is ordered that the motion is granted on condition that movant serves a copy of this order upon all parties within 10 days of the date of entry hereof. Sua sponte, the appeal is adjourned to the January 2012 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 October 13, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
AllianceBernstein L.P.,

Plaintiff,

-against-

M-3836
Index No. 652267/11

Christopher MacFarlane,

Defendant.
-----x

Plaintiff having moved for relief denied in a temporary restraining order granted by a Justice of the Supreme Court, New York County, dated August 16, 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 October 13, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

April B.,
Petitioner-Appellant,

M-3235
Docket No. G-02068-9/10

-against-

Administration for Children's
Services,

Respondent-Respondent.

-----x

An appeal having been taken to this Court from an order of the Family Court, Bronx County, entered on or about December 8, 2010,

And Randall S. Carmel, Esq., counsel for plaintiff-appellant, having moved with leave to withdraw the aforesaid appeal and to vacate the order of this Court entered on March 22, 2011 (M-441) assigning him as counsel for purposes of prosecuting 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, the appeal is deemed withdrawn and the order of this Court entered on March 22, 2011 (M-441) is hereby vacated.

ENTER:


CLERK

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M - 3643
Ind. No.
2654/06

-against-

CERTIFICATE
DENYING LEAVE

HERMAN THOMAS,

Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to the Criminal Procedure Law §§ 450.15 & 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 March 15, 2011 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: August 22, 2011
New York, New York

ENTERED: OCT 13 2011

PM ORDERS

ENTERED ON

OCTOBER 11, 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 October 11, 2011.

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

-----X
Moussa Sangare,
Plaintiff-Respondent,

-against-

M-4108
Index No. 106554/08

Nancy M. Edwards, etc.,
Defendant,

Dermer Management Company,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 25, 2011 (mot. seq. no. 002), and said appeal having been perfected,

And defendant-appellant having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of plaintiffs, dated September 12, 2011, 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 October 13, 2011.

Present: Hon. Angela M. Mazzarelli,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta,

Justice Presiding,

Justices.

-----x
In the Matter of the Application of
TYRONE WRAY,

N.Y. Co. Index No. 403180/09

Petitioner-Appellant,

ORDER DISMISSING APPEAL

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

-against-

NEW YORK CITY HOUSING AUTHORITY,

Respondent-Respondent.
-----x

An Article 78 proceeding to review a determination of respondent having been appealed to this Court from an order of the Supreme Court, New York County, entered on or about July 16, 2010,

And respondent having moved for dismissal of the aforeseaid appeal,

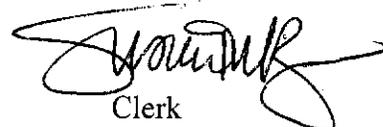
And this court having entered an order on July 21, 2011, granting respondent's motion to dismiss the appeal unless appellant perfects it on or before October 3, 2011 for the December 2011 Term, and upon failure to perfect, an order dismissing the appeal may be entered ex parte provided respondent serves a copy of the July 21, 2011 order upon appellant within 10 days after the date of entry,

And respondent having presented proof, in the form of an affirmation and Notice of Entry with affidavit of service, that it served the July 21, 2011 order within 10 days of the date of entry,

And appellant not having perfected on or before October 3, 2011 for the December 2011 Term,

It is ordered the appeal is dismissed.

ENTER:


Clerk

PM ORDERS

ENTERED ON

OCTOBER 13, 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 October 13, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

Myrtle Bryant,
Plaintiff-Appellant-Respondent,

-against-

M-4137

M-4153

Boulevard Story, LLC.,
Defendant-Respondent-Appellant,

Index No. 301724/08

-and-

Uplift Elevator, Inc.,
Defendant-Respondent.

-----X

Defendant-Respondent Uplift Elevator, Inc., and Defendant-Respondent-Appellant Boulevard Story, LLC having moved separately (M-4137/M-4153) 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 August 11, 2011 (Appeal No. 5173),

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

It is ordered that the motions are denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Collin A. Cole,
Plaintiff-Respondent-Respondent,

-against-

M-4158
Index No. 14613/07

Homes for the Homeless Institute,
Inc.,
Defendant-Appellant-Respondent,

Brink Elevator Corp., doing business
as Herk Elevator Co., Inc.,
Defendant-Respondent-Appellant,

Union Elevator Corp.,
Defendant.

-----X
Brink Elevator Corp., doing business
as Herk Elevator Co., Inc.,
Third-Party Plaintiff-Respondent-
Appellant,

Third-Party
Index No. 83944/09

-against-

Homes for the Homeless, Inc.,
Third-Party Defendant-Appellant-
Respondent.

-----X
An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 27, 2010, and said appeal and cross appeal having been perfected,

And plaintiff Collin A. Cole having moved for an enlargement of time in which to file his respondent's brief in connection with the appeal and cross 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 adjourning the appeal and cross appeal to the December 2011 Term. The parties are to abide by the applicable filing dates for said December 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 October 13, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

Elena Strujan,
Plaintiff-Appellant,

-against-

Teperman & Teperman, et al.,
Defendants-Respondents.

-----X

M-3162

M-3414

Index No. 401164/10

Plaintiff-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 January 31, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief (M-3162),

And defendants-respondents having cross-moved for an order sealing, striking and expunging certain documents contained in Exhibit pages 4, 5 and 6 of plaintiff's motion (M-3414),

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

It is ordered that plaintiff's motion (M-3162) is denied. Defendants' cross motion (M-3414) is granted to the extent of sealing pages 4, 5 and 6 of the exhibit to plaintiff's motion and directing the Clerk to excise said pages from the motion for filing "under seal".

ENTER:



CLERK