

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 September 22, 2011.

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

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

-against-

M-3112
Ind. No. 2884/90

Angel Martinez, also known as
Angel Fontanas,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 27, 2010, denying **resentence**,

Now, upon reading and filing the stipulation of the parties hereto, dated July 5, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 22, 2011.

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

-----X
Joann DiFrisco,
Plaintiff-Respondent,

-against-

M-3404X
Index No. 300242/09

Willie L. Harvey, Jr., et al.,
Defendants-Appellants.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about June 1, 2010, August 2, 2010 and January 19, 2011, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 22, 2011, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

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

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

-----X
Zura Kakushadze, doing business as
Phynance Consulting,
Plaintiff-Respondent,

-against-

Joseph Haykov,
Defendant-Appellant.

M-3425X
Index No. 600342/10

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 4, 2011 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 26, 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 September 22, 2011.

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

-----X

Clare E. Batt, etc.,

Plaintiff-Respondent,

-against-

M-3426X
Index No. 103163/10

United Federation of Teachers
Welfare Fund,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 15, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 26, 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 September 22, 2011.

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

-----X
Steven Alaimo,
Plaintiff-Respondent,

-against-

M-3436X
Index No. 308241/08

The New York City School
Construction Authority, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 11, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 27, 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 September 22, 2011.

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

-----X
Jorge Fajardo and Juan Hernandez,
Plaintiffs-Respondents,

-against-

M-3439X
Index No. 113599/07

507 W 139 LLC, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 10, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 26, 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 September 22, 2011.

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

-----X

International Finance Corporation,
Plaintiff-Appellant-Respondent,

-against-

Carrera Holdings Inc. and Carrera S.P.A.,
Defendant-Respondent-Appellant.

-----X

SEALED

M-3075X

Index No. 601705/07

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 20, 2010 (mot. seq. no. 007),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 6, 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 September 22, 2011.

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

-----X
The Marketing Directors, Inc.,
Plaintiff-Respondent-Appellant,

-against-

M-3296X
Index No. 601703/09

LC Main LLC, et al.,
Defendants,

New Roc Parcel 1 A LLC,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 26, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 15, 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 September 22, 2011.

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

-----X

Joseph Yasgur and Joseph Gershenov,

Plaintiffs-Respondents-Appellants,

-against-

M-3300X

Index No. 603630/09

17 Battery Associates LLC,

Defendant-Appellant-Respondent.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 15, 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 September 22, 2011.

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

-----X
Tap Holdings, LLC, Irving Place, et al.,

Plaintiffs-Respondents-Appellants,

-against-

M-3311X
Index No. 600691/10

Orix Finance Corp., et al.,

Defendants-Appellants-Respondents,

Tap Automotive Holdings, LLC,
Nominal-Defendant.

-----X
(And another action)
-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 5, 2011 (mot. seq. nos. 005, 006, 007, 008 & 009),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 15, 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 September 22, 2011.

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

-----X

Fernando Mateo and Stella Mateo,
Plaintiffs-Appellants,

-against-

M-3285
Index No. 602043/09

Henry Vargas, Akerman Senterfitt,
Defendants,

-and-

Madison Realty, Inc.,
Defendant-Respondent.

-----X

[And a third-party action]

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 10, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated July 6, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2011 Term, 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 September 22, 2011.

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

-----X
Metro Foundation Contractors, Inc.,
Plaintiff-Appellant,

-against-

M-2785
Index No. 600520/09

Marco Martelli Associates, Inc.,
Defendant-Respondent.

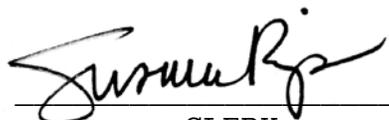
-----X

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 November 30, 2010 (Appeal No. 3720),

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Bryan Ha, Esq., 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 September 22, 2011.

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

-----X
Rhona Bork and Davida Bork,
Plaintiffs-Appellants,

-against-

M-2612
Index No. 104632/11

Ganfer & Shore LLC, Steven J. Shore,
Ira Brad Matesky and William D.
McCracken,
Defendants-Respondents.

-----X

An appeal having been taken from an "interim order" of the Supreme Court, New York County, entered on or about May 11, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated June 21, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

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

Juelle G., **M-1223A**
Petitioner-Appellant, Docket Nos. V-8994-95/08E

-against-

William C.,
Respondent-Respondent.

-----X
Petitioner-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about February 17, 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, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, No. 176, Larchmont, New York 10538, Telephone No. 914-834-3053, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3)

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

permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (The order of this Court entered on May 3, 2011 [M-1223] is hereby recalled and vacated.)

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 September 22, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Armand Retamozzo,
Plaintiff-Appellant,

-against-

M-2264
Index No. 113920/09

Diana Friedland, et al.,
Defendants-Respondents.

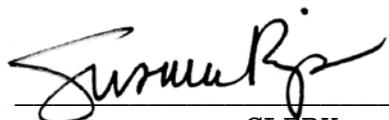
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 8, 2010,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Alexander E. Gallin, Esq. dated May 16, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.
(See M-2476, entered on August 25, 2011)

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 September 22, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

-----x

In re Anonymous,
Petitioner-Appellant,

-against-

M-2607
Index No. 103380/10

New York State Department of Health,
et al.,
Respondent-Respondent.

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 13, 2010, and said appeal having been affirmed by an order of this Court entered June 9, 2011,

And petitioner-appellant having moved for relief in the nature of temporary restraining order and for a preliminary injunction pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Chris Cardillo, Esq. dated June 14, 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 September 22, 2011.

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

-----X

Ramon Perez and Francia Rodriguez,
Plaintiffs-Respondents,

-against-

M-3031
Index No. 6779/02

Wendell Jordan,
Defendant,

Shirley Roberts,
Intervenor-Appellant.

-----X

An order of this Court having been entered on May 3, 2011 (M-1086) dismissing intervenor-appellant's appeal taken from the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about December 28, 2009,

And intervenor Shirley Roberts having moved for an order vacating the aforesaid order of this Court dismissing the appeal, reinstating said appeal, and compelling plaintiffs to file a respondents' brief for a Term to be determined,

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 vacating this Court's prior order dismissing the appeal (M-1086) entered May 3, 2011 and reinstating said appeal. Intervenor-appellant is directed to re-perfect the appeal on or before November 7, 2011 for the January 2012 Term upon an appendix, which shall include all trial exhibits. The Clerk is directed to accept said filing(s) without further fees.

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 September 22, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

Pascuela De La Rosa,
Plaintiff-Respondent,

-against-

M-2527

Index No. 101893/09

Maria A. Gomez and Alfredo Garcia,
Defendants,

-and-

Eligio F. Hidalgo and Herless A. San,
Defendants-Appellants.

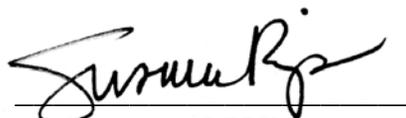
-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 17, 2010 (mot. seq. no. 002),

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Stacy R. Seldin, Esq., dated June 17, 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 September 22, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-2517
Ind. No. 2796/08

Reginald Trammell,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about February 24, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of 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. So much of the motion which seeks an extension of time in which to file a notice of appeal is denied, as unnecessary.

ENTER:



CLERK

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

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

-----X
The People of the State of New York
ex rel. Gilbert O. Cameron,

Petitioner-Appellant,

-against-

M-832
Ind. No. 2443/08

Dora B. Schirro, Commissioner,
New York City Department of
Corrections, et al.,

Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about May 7, 2010, which dismissed a habeas corpus proceeding, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for the assignment of counsel,

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

It is ordered that the motion is denied as moot, defendant having been convicted and granted appellate counsel on a direct appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 4, 2010 and the order of this Court (M-755) entered March 29, 2011.

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 September 22, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-2340

Ind. No. 2379/07

Anthony Lewis,
Defendant-Appellant.

-----X

An order of this Court having been entered on October 6, 2009 (M-4011), granting defendant poor person relief and assigning Robert S. Dean, Esq., as counsel for purposes of prosecuting defendant's appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 30, 2009,

And defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about May 10, 2011, which amended the aforesaid judgment of the Supreme Court, rendered on or about July 30, 2009, and for an order of this Court amending the aforementioned order of assignment to include said judgment of resentence,

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

It is ordered that said motion is granted to the extent of amending the aforementioned order of assignment to include the judgment of resentence and extending the poor person relief previously granted to cover same.

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

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 September 22, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
In the Matter of the Application of
Shirley Saunders,
Petitioner-Appellant,

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

-against-

M-4006
Index No. 402300/10

John B. Rhea, as Chairman of the
New York City Housing Authority
and the New York City Housing
Authority,
Respondents-Respondents.

-----X

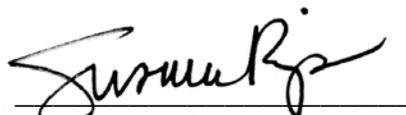
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about April 29, 2011, and said appeal having been perfected,

And respondents-respondents having moved for an order striking certain portions of the Appendix and portions of Appellant'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 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 September 22, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

-against-

M-2609
Ind. No. 971/09

Elizabeth Perez,
Defendant.

-----X

Defendant having moved, pursuant to CPLR 5704, for a temporary restraining order, to quash a subpoena directing release of certain confidential medical records, and for related relief,

Now, upon reading and filing the correspondence from the attorney for defendant, Mental Hygiene Legal Service, (Sadie Zea Ishee, of counsel), dated July 14, 2011, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:


CLERK

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

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Ripka Rotter and King LLP,
Plaintiff-Respondent,

-against-

M-3082
Index No. 601796/08

Kahn Gordon Timko & Rodriques, P.C.,
Nicholas I. Timko, Edward A. Lemmo
and Edward A. Lemmo, Attorney at Law
P.C., also known as Edward A. Lemmo,
P.C.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 7, 2011 (mot. seq. no. 007),

And defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Russell Block, Esq., 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 September 22, 2011.

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

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

-against-

M-3122
Ind. No. 1861N/08

Yolanda Cordero,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 20, 2011, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

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

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

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

-against-

M-3110
Ind. No. 4289/08

Marc Seck,
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 May 19, 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.

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 September 22, 2011.

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

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

-against- Ind. Nos. 5203/09
M-3146
1336/10

Anthony Jeffries,
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 , for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

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

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

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

-against-

M-3137
Ind. No. 5599/10

George Smith,
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 April 21, 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, 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 September 22, 2011.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-3121

Ind. No. 6000/88

Willie Winbush,
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 (Arlene R. Silverman, J.) entered on or about May 28, 2008, 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 Silverman as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

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

Alyssa F. and Laquan F.,

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

M-3286
Docket Nos. NN32142/10
NN32143/10

- - - - -
Commissioner of the Administration
for Children's Services, et al.,
Petitioners-Appellants,

Denzil F.,
Respondent-Respondent.

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

-----X

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about January 3, 2011, and said appeal having been perfected,

And trial counsel for respondent-respondent having moved on his behalf 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, Darlene Jorif-Mangane, Esq., The Center for Family Representation, 40 Worth Street, Suite #605, New York, New York 10013, Telephone No. 212-691-0950, Ext. 213,

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 December 2011 Term.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

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 September 22, 2011.

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

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

-against-

M-2761
Ind. No. 2405/09

Christian Jaquez,
Defendant-Appellant.

-----X

Defendant having renewed the motion for an extension of time to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 4, 2010, and for leave to prosecute the appeal as a poor person, 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 deeming the moving papers a timely filed notice of appeal, and enlarging the time to perfect the appeal to the December 2011 Term.

The motion, to the extent it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsels, Fusfeld, Braverman and Craddock and Ted DalValle, Esq., the amount and sources of funds for trial counsels' fees and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

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

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

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

-against-

M-2929
Ind. No. 5081/10

Hashim Kernahan,
Defendant-Appellant.

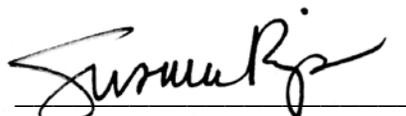
-----X

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 June 2, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Robert Georges, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

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

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

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

-against-

M-2932
Ind. No. 6043/08

Jason Mercado,
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 June 6, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsels, Nathan Semmel, Esq., and Alan Thau, Esq., the amount and sources of funds for trial counsels' fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

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

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

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

-against-

M-2942
Ind. No. 5688/10

Jian Hui Zhou,
Defendant-Appellant.

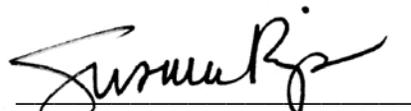
-----X

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 April 13, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Henry Zhang, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

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

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

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

-against-

M-2888
Ind. No. 5861/06

Rayman Fernandez,
Defendant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about June 15, 2007, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied. (CPL 460.30 Subd. [1])

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 September 22, 2011.

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

-----X
Fredy Lopez,
Plaintiff-Respondent,

-against-

M-3097
Index No. 108754/08

Rafael Dagan and Jacklin Dagan,
Defendants-Appellants,

Goldstein & Associates, et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 12, 2011 (mot. seq. no. 002),

And defendants-appellants having moved to amend their notice of 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 amended notice of appeal timely served and filed.

ENTER:


CLERK

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

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

-----X
Antonio Arturo,
Plaintiff-Respondent,

-against-

M-2906

Index No. 305103/08

Hunts Point Terminal Produce
Cooperative Association, Inc.,
et al.,
Defendants-Appellants-Respondents,

A&J Produce Corp.,
Defendant-Respondent-Appellant.

-----X
A&J Produce Corp.,
Third-Party Plaintiff-Appellant,

-against-

Third-Party

Index No. 84246/09

A&D Products,
Third-Party Defendant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 3, 2010,

And defendants-appellants-respondents having moved for an enlargement of time in which to perfect the direct appeal,

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

(M-2906)

(2)

September 22, 2011

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the January 2012 Term, without prejudice to further enlargements.

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 September 22, 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 the Application of

Ali Alsaede,
Petitioner-Appellant,

For a Judgment, etc.,

M-3092

Index No. 116470/09

-against-

Raymond Kelly, etc., et al.,
Respondents-Respondents..

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 25, 2011,

And petitioner-appellant having moved for an order enlarging the record on appeal to include certain documents attached to the notice of motion,

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

It is ordered that the motion is 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 September 22, 2011.

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

-----X
Edie Weiner,
Plaintiff-Respondent,

-against-

M-3181
Index No. 350829/98

Jay Weiner,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 13, 2010,

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

It is ordered that the motion is 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 September 22, 2011.

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

-----x
Madonna Constantine,

Plaintiff-Appellant,

-against-

M-3906
Index No. 116528/08

Teacher's College and The Trustees of
Teachers College of Columbia University,

Defendants-Respondents.
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 19, 2010 (mot. seq. nos. 006, 007),

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 to perfect the appeal to the 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 September 22, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-3005

Ind. No. 8131/97

Carl Dushain,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 17, 2004 (Appeal No. 3938), unanimously affirming a judgment of the Supreme Court, New York County (Leslie Crocker Snyder, J.), rendered on February 2, 1999,

And defendant-appellant having moved for discovery prior to filing an application for relief in the nature of a writ of error coram nobis,

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 September 22, 2011.

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

-----X
Elizabeth Maidman,
Plaintiff,

-against-

M-2913
Index No. 304398/10

Gregory Maidman,
Defendant.
-----X

Defendant having moved pursuant to CPLR 5704(a), for certain relief denied by a Justice of Supreme Court, New York County, 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 in its entirety.

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 September 22, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-2918

Ind. No. 6960/04

Vito Genzale,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of resentence of the Supreme Court, New York County, entered on or about April 13, 2010, and said appeal having been perfected,

And defendant-appellant having moved for an order striking certain portions of the People's 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 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 September 22, 2011.

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

-----X
The People of the State of New York
ex rel. Donnell Baines,
Petitioner,

-against-

M-3857
Ind. No. 5299/10

The State of New York and Warden
J. Davis of G.M.D.C.,
Respondents.

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

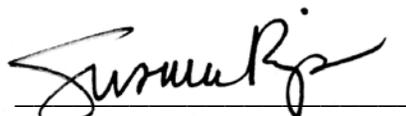
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the application for the writ is hereby granted, and

It is further ordered that the matter is transferred to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York 10007 for the issuance of said writ and service by mail upon the respective parties.

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 September 22, 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

Tanisha Shabazz A., also known as
Tanisha G.,

A Dependant Child Under the Age of
16 years, Pursuant to Section 394-b
of the Social Services Law of the
State of New York,

M-3215
Docket No. B-1818/08

- - - - -
SCO Family of Services,
Petitioner-Respondent,

Latisha G., also known as Latisha A.,
Respondent-Appellant.

- - - - -
Pierre Janvier, Esq.,
Attorney for the Child.

-----X

Petitioner-respondent agency having moved for dismissal of the appeal taken from the order of the Family Court, Bronx County, dated September 8, 2010,

Now, upon reading and filing the papers with respect to the motion, including the stipulation between the parties dated July 25, 2011 and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn.

ENTER:


CLERK

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

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

-----X

Steven Elliot Eluto,

Plaintiff-Appellant,

-against-

M-3448

Index No. 601501/06

Helmsley-Spear, 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 August 23, 2010 (mot. seq. no. 003),

And Richard E. O'Connell, Esq., Trustee of the Steven Eluto Bankruptcy Estate, having moved for an order striking the appeal or amending the caption of same,

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 September 22, 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

Kamilah Aminah Abdula K.,
also known as Kamilah A. K.,
also known as Kamilah K., and
Jemari A. O.,

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

- - - - -
Cardinal McCloskey Services, et al., M-3222
Petitioners-Respondents, Docket Nos. B-18812/09
B-8252/10

Jarmila O., also known as
Jarmila M. O.,
Respondent-Appellant.

- - - - -
Paul Sweeney, Esq.,
Attorney for the Children.

-----x

Orders of this Court having been entered on January 27, 2011 (M-5820) and March 29, 2011 (M-5816A), inter alia, granting respondent-appellant leave to prosecute, as a poor person, the respective appeals from orders of the Family Court, Bronx County, entered on or about October 15, 2010, and assigning counsel therefor,

And attorney for the subject children, Paul Sweeney, Esq., having moved for an order to be relieved as counsel 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 (1) relieving movant as attorney for the children and substituting, pursuant to Article 18b of the County Law and

§ 1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., P.O. Box 576, Hastings on Hudson, New York, 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. Sua sponte, the appeal is adjourned to the 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 September 22, 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 Custody/Visitation Proceeding Under Article 6 of the Family Court Act.

M-3929

Docket Nos. V23859/09
Jose L., V23859-09/10B
Petitioner-Respondent, V23959-09/10C

-against-

Yamely H.,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about October 7, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is denied, with leave to renew upon submission of a detailed notarized affidavit, in compliance with CPLR(a), setting forth the terms of retainer agreement with counsel Ramon Pagan, Esq., the amount and sources of monies for counsel's fee and an explanation as to why similar funds are not available to respond to this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by petitioner-respondent. 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 September 22, 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 Custody/Visitation
Proceeding Under Article 6 of the
Family Court Act.

Percy R., Docket Nos. V29960/09
Petitioner-Respondent, V30016/09
V31418/09
-against-

Marissa W.,
Respondent-Appellant.
-----X

Respondent-appellant mother, Marissa W., pro se, 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 1, 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 denied, with leave to renew upon submission of a notarized affidavit in compliance with CPLR 1101(a) and which addresses appellant's representation by counsel in 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 September 22, 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-3751
Ind. No. 3427/06

Robert J. Symonds,
Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about November 17, 2009,

And an order of this Court having been entered on February 11, 2010 (M-150), granting defendant leave to prosecute said appeal as a poor person, and assigning Steven Banks, Esq., for purposes of prosecuting the appeal,

And defendant-appellant having moved for an order relieving Steven Banks, Esq., and substituting other counsel,

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

It is ordered that the motion is denied, and counsel is directed to perfect the appeal for 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 September 22, 2011.

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

-----X
Nicholas M. Nespolini, as Administratrix
of the Goods, Chattels and Credits which
were of Nicholas M.F. Nespolini and
Nicholas M. Nespolini, Individually,
Plaintiffs-Appellants-Respondents,

-against-

M-3734
Index No. 302747/10

Russell Brantman,
Defendant-Respondent-Appellant,

-and-

Andrew Jaworski,
Defendant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 3, 2010, and said appeal and cross appeal having been perfected,

And defendant-respondent-appellant having moved for a stay of proceedings pending hearing and determination of the aforesaid appeal, or, in the alternative, for an enlargement of time perfect same,

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 and cross appeal to the January 2012 Term, with leave to seek a further enlargement, if necessary. 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 September 22, 2011.

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

-----X

Myles Gordon and Sylvia Purugganan,
Plaintiffs-Respondents-Appellants,

-against-

M-3533

M-3872

Index No. 110425/06

New York City Transit Authority and
Joseph Englanoff,
Defendants-Appellants-Respondents,

City of New York, et al.,
Defendants.

-----X

An appeal and cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about October 14, 2010,

And defendants-appellants-respondents having moved for an enlargement of time in which to perfect their appeal (M-3533),

And plaintiffs-respondents-appellants having cross-moved for an enlargement of time in which to perfect their cross appeal (M-3872),

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 is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal 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 September 22, 2011.

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

-----X

Margaret Thomas and Christal Berkeley,
Plaintiffs-Appellants-Respondents,

-and-

Marvin Thomas,
Plaintiff,

M-3353

M-3395

M-3517

-against-

Index No. 21275/04

The City of New York and New York City
Police Department,
Defendants-Respondents-Appellants,

Gunhill Car Service,
Defendant,

Ahmad Aftab,
Defendant-Respondent-Appellant.

-----X

An appeal and cross appeals having been taken from the order of the Supreme Court, Bronx County, entered on or about August 25, 2010,

And plaintiffs having moved for an enlargement of time in which to perfect their appeal (M-3353),

And defendant, Ahmad Aftab, having cross-moved for an enlargement of time in which to perfect his cross appeal (M-3395),

And municipal defendants having cross-moved for an enlargement of time in which to perfect their cross appeal (M-3517),

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

Ordered that the motion and cross motions are granted to the extent of enlarging the time in which to perfect the appeal and cross appeals 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 September 22, 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
Kenneth Paccio,
Petitioner-Appellant,

For a Judgment, etc.,

M-3465
Index No. 115490/09

-against-

Raymond Kelly, etc., et al.,
Respondents-Respondents.

-----x

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about May 5, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal 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 September 22, 2011.

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

-----x
Bernard Cherry,

Plaintiff-Appellant,

-against-

Koehler & Isaacs, LLP, et al.,

Defendants-Respondents.
-----x

M-3634
Index No. 310302/09

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 26, 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 to perfect the appeal 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 September 22, 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-3712
Ind. No. 4493/06

Fermin Hunter,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 3, 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 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 September 22, 2011.

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

-----X
John Morant,
Plaintiff-Appellant,

-against-

M-3450
Index No. 105532/98

The City of New York, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 27, 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 to the extent of enlarging the time in which to perfect the appeal 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 September 22, 2011.

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

-----x

In the Matter of the Application of
Timothy Quinn,
Petitioner-Appellant,

For a Judgment, etc.,

M-3459

Index No. 111048/09

-against-

Raymond Kelly, etc., et al.,
Respondents-Respondents.

-----x

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 26, 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 to perfect the appeal 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 September 22, 2011.

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

-----x

In the Matter of the Application of
John Zaborowski,
Petitioner-Appellant,

For a Judgment, etc.,

M-3461

Index No. 115489/09

-against-

Raymond Kelly, etc., et al.,
Respondents-Respondents.

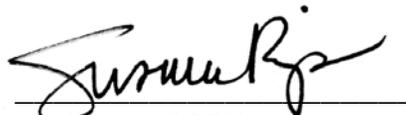
-----x

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about May 17, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to on or before November 7, 2011 for 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 September 22, 2011.

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

-----x

In the Matter of the Application of
Daniel Hogg,
Petitioner-Appellant,

For a Judgment, etc.,

M-3494

Index No. 112839/09

-against-

Raymond Kelly, etc., et al.,
Respondents-Respondents.

-----x

Petitioner-appellant having moved for an enlargement of time to perfect the appeal from order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 10, 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 to perfect the appeal 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 September 22, 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-3635
Ind. No. 3578/09

Eric Shields,
Defendant-Appellant.

-----X

Defendant-appellant having moved, via appellate counsel, for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered 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 the motion is denied as unnecessary, said relief having been granted by an order of this Court entered on September 15, 2011 (M-2857), enlarging the time in which to perfect the appeal 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 September 22, 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-3679
Ind. No. 29/00

Ralph Alicea,
Defendant-Appellant.

-----X

Defendant-appellant having moved, on consent, for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 20, 2004, and to amend the court file to reflect certain information on appellate counsel's new practice,

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 time to perfect the appeal is enlarged 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 September 22, 2011.

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

-----X
Richard Feiner and Company, Inc.,
Plaintiff-Respondent,

-against-

M-3719
Index No. 110756/09

Paramount Pictures Corporation,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 15, 2011, and said appeal having been perfected,

And defendant-appellant having moved for leave to enlarge the record on appeal to include certain material attached as Exhibits C-E to the affirmation of Marcia B. Paul, Esq. filed in support of the aforesaid motion,

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

Ordered that the motion is granted to the extent of permitting defendant to file a supplemental record to include the aforesaid material on or before October 14, 2011 for the November 2011 Term. Sua sponte the appeal is adjourned to said November 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 September 22, 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-3355
Ind. No. 2572/09

Edwin Espada,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about May 12, 2010, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before December 5, 2011 for the February 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 is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by 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 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 September 22, 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-3498
Ind. No. 829/08

Nathan Sams,
Defendant-Appellant.

-----X

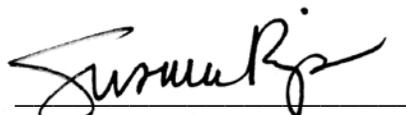
An order of this Court having been entered on March 15, 2011 (M-609), inter alia, granting defendant an extension of time to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 31, 2009,

And defendant having moved for a further extension of time in which to file the pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before December 5, 2011 for the February 2012 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to 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 September 22, 2011.

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

-----X
Mashreqbank, PSC,
Plaintiff-Respondent,

-against-

Ahmed Hamad Al Gosaibi & Brothers Co.,
Defendant-Appellant.

M-3739
Index No. 601650/09

-----X
Ahmed Hamad Al Gosaibi & Brothers
Company,
Third-Party Plaintiff-Appellant,

Third-Party
Index No. 590643/09

-against-

Maan Abdulwaheed Al Sanea,
Third-Party Defendant-Respondent,

Awal Bank BSC,
Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 29, 2010 (mot. seq. no. 003) and from a judgment of said Court entered on or about August 11, 2010, and said appeal having been perfected,

And third-party defendant-respondent, Maan Abdulwaheed Al Sanea, having moved for an order taking judicial notice of certain documents attached as Exhibits 1-9 to Exhibit A of the affirmation of Robert F. Serio, Esq. submitted in support of the motion,

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

Ordered that the motion is denied. Sua sponte, third-party defendant-respondent's brief is stricken and said party is directed to file a replacement brief omitting all references to the aforesaid documents which are the subject of this motion, other than those enumerated in the prior order of this Court entered on September 1, 2011 (M-3505), on or before December 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 September 22, 2011.

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

-----X

In the Matter of the Applicatio of
Maria M. Peña,
Petitioner-Appellant,

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

M-3542
Index No. 400902/10

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

Petitioner having moved for a stay of proceedings in the Matter entitled *NYCHA v Mario M. Peña*, Civil Court of the City of New York, Bronx County, Index No. 807983/10 pending hearing and determination of the appeals taken from the orders of the Supreme Court, New York County, entered on or about December 6, 2010, and on or about June 20, 2011 (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 on condition the appeal is perfected for the January 2012 Term and upon further condition that the petitioner-appellant continues to pay use and occupancy at the current rate. Upon failure to fulfill either condition respondent may move on notice to vacate the aforesaid stay.

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 September 22, 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
Croes Nest Realty LP,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3482
Index No. 260279/10

New York State Department of Housing
and Community Renewal,
Respondent-Respondent,

-and-

Bradford House Tenant Association,
Dorothy Ayala, as President and
Tenants' Representative,
Respondent-Respondent.

-----x

An appeal having been taken to this Court from the order and judgment of the Supreme Court, Bronx County, both entered on or about June 16, 2011,

And petitioner-appellant having moved, pursuant to CPLR 5519(c), for a stay of enforcement and/or implementation of the order of respondent-respondent New York State Department of Housing and Community Renewal dated March 26, 2011 which, inter alia, directed petitioner to restore certain services and to provide certain rent adjustments, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition the undertaking in the amount of \$70,951.81 directed by an order of a Justice of this Court is continued pending hearing and determination of the appeal, and upon further condition that the appeal is perfected on or before November 7, 2011 for 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 September 22, 2011.

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

-----X
James Toth,
Plaintiff-Appellant,

-against-

M-3504
Index No. 104047/08

Lisa Spellman,
Defendant-Respondent.
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about December 30, 2009 and July 12, 2011 (mot. seq. no. 007), respectively,

And plaintiff having moved for leave to appeal to this Court from the aforesaid order of the Supreme Court, entered on or about July 12, 2011 and for leave to appeal from the aforesaid order entered December 30, 2009 or, in the alternative, for an enlargement of time in which to perfect the appeal from the aforesaid December 30, 2009 order, for a stay of trial pending hearing and determination of said appeals and for a preference in the hearing of said 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, to the extent it seeks leave to appeal from the aforesaid orders is denied, as unnecessary. The time in which to perfect the appeal from the order entered on or about December 30, 2009 is enlarged to the February 2012 Term. Sua sponte, said appeals are consolidated and plaintiff is directed to prosecute the consolidated appeals upon 9 copies of one record and on one set of appellant's points covering the appeals for said February 2012 Term. So much of the motion which seeks a preference in the hearing of said consolidated appeals is denied, with leave to renew upon perfection of the consolidated appeals. So much of the motion which seeks a stay of trial 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 September 22, 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-3729
Ind. No. 1617/07

Lamiek Richardson,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 9, 2008,

And an order of this Court having been entered on January 29, 2009 (M-5180) granting defendant leave to prosecute the aforesaid appeal as a poor person, and related relief,

And retained counsel Edward Land, Esq. having moved for a waiver of the e-filing requirement of this Court (22 NYCRR § 600.11) in connection with the perfection of 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 and appellate counsel is directed to perfect the appeal for the January 2012 Term of this Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 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-3728
Ind. No. 3778/10

Ted Johnson, also known as Rodney
Johnson, also known as Teddy Johnson,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 7, 2010,

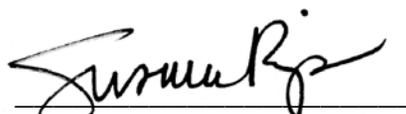
And an order of this Court having been entered on March 22, 2011 (M-384) granting defendant leave to prosecute said appeal as a poor person,

And retained counsel Edward Land, Esq. having moved for a waiver of the e-filing requirement of this Court (22 NYCRR § 600.11) in connection with the perfection of the aforesaid appeal, and related relief,

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

It is ordered that the motion is granted, and appellate counsel is directed to perfect the appeal for the January 2012 Term of this Court.

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 - 2999
Ind. No.
2179/99

-against-

CERTIFICATE
DENYING LEAVE

VINCENT WARREN,

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, Bronx County, entered on or about May 3, 2011 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: August 22, 2011
New York, New York

ENTERED: September 22, 2011

PM ORDERS
ENTERED ON
SEPTEMBER 22, 2011

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

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

-----x
Walter Winters, et al.,

Plaintiffs-Respondents,

-against-

Ramon L. Cruz, et al.,

Defendants-Appellants.
-----x

M-3916
Index No. 310637/08

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about May 27, 2011,

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

It is ordered that the motion is granted.

ENTER:


CLERK

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

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

-----X
Valerie Vorontsova,
Plaintiff-Respondent,

-against-

Louise M. Priolo, M.D., et al.,
Defendants-Appellants.

-----X

M-2957

M-3151

Index No. 118999/03

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about June 24, 2011 and July 6, 2011, respectively,

And defendants having moved for a stay of trial pending hearing and determination of the appeal from the order entered on or about June 24, 2011 (M-2957),

And defendants having also moved for a stay of all proceedings, including a trial and any inquest, pending hearing and determination of the appeal from the order entered on or about July 6, 2011, and for related relief (M-3151),

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

Ordered that both motions are denied.

ENTER:



CLERK