





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 April 26, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice  
Peter Tom  
Richard T. Andrias  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
Gerhard Wetzel, et al.,

Plaintiffs-Appellants,

M-374

M-1079

-against-

Index No. 13468/06

Juan Santana, et al.,

Defendants-Respondents.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 23, 2010,

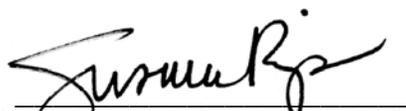
And defendants-respondents having moved for dismissal of the aforesaid appeal (M-374),

And plaintiffs-appellants having cross-moved to enlarge the time in which to perfect their appeal (M-1079),

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 (M-374) to dismiss the appeal is granted unless perfected for the September 2011 Term. The cross motion (M-1079) is granted to the extent of enlarging the time in which to perfect the appeal to the said 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 April 26, 2011.

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

-----X

In the Matter of

Kaila A.,

A Child Under the Age of 18 Years  
Alleged to be Neglected Under Article 10  
of the Family Court Act.

- - - - -

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

M-1051  
Docket No. NN19523/10

Reginald A.,  
Respondent-Appellant.

- - - - -

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of fact-finding of the Family Court, New York County, entered on or about November 18, 2010, and from the order of disposition and permanency hearing of said Court entered on or about January 26, 2011, respectively, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Susan Jacobs, Esq., Center for Family Representation, Inc., 116 John Street, 19<sup>th</sup> Floor, New York, New York 10038, Telephone No. 212-691-0950, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the

proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



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CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
In the Matter of a Proceeding for  
Support Under Article 4 of the Family  
Court Act.

-----  
Latisha L.,  
Petitioner-Respondent,

M-1175  
Docket No. U11748/07

-against-

Omel McL., Jr.,  
Respondent-Appellant.

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

-----X  
An order of this Court having been entered on April 29, 2010 (M-1411), inter alia, granting respondent-appellant, leave to prosecute as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about July 10, 2009, and denying the portion of the motion with respect to the assignment of counsel,

And respondent-appellant father having moved for reargument of the aforesaid order entered on April 29, 2010 (M-1411),

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 April 26, 2011.

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

-----X

In the Matter of

Christopher James A.,

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

- - - - -  
New Alternatives for Children, Inc.,  
Petitioner-Respondent,

M-723  
Docket No. B-07910/09

Anne Pierre L.,  
Respondent-Appellant.

- - - - -  
Dennis G. Corr, Esq.,  
Attorney for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about February 3, 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 therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER :

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

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

-----X  
In the Matter of a Proceeding for  
Support Under Article 4 of the  
Family Court Act.

-----  
Shamieka B.,  
Petitioner-Respondent,

M-989  
Docket No. F-01707-02/08

-against-

Lishomwa H.,  
Respondent-Appellant.

-----X  
Respondent-appellant 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 November 16, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, 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 therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the

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

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

ENTER:

  
\_\_\_\_\_  
CLERK

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 April 26, 2011.

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

-----X  
In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act.

- - - - -  
Lisa S.,  
Petitioner-Respondent,

**M-990**  
Docket No. O-10755/09

-against-

William V.,  
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about January 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, 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 therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

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

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

-against-

M-678  
Ind. No. 28841C/09

Phillip Taylor,  
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, Bronx County, rendered on or about October 14, 2010, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed 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 in the County of New York on April 26, 2011.

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

-----X

Jazzmine Elizabeth Cherry,

Plaintiff-Appellant,

-against-

M-881

Index No. 251594/10

Bennett Storage, Inc.,

Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 24, 2011,

And plaintiff-appellant having moved for a stay pending hearing and determination of the aforesaid appeal, for poor person relief and a free copy of the transcript,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated February 24, 2011, is vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X  
Mathias Berenger, et al.,  
Plaintiffs-Respondents,

-against-

M-1607  
Index No. 110744/09

261 West LLC, Evan A. Haymes,  
Matthew Bronfman, Edward Curty,  
Defendants-Appellants,

-and-

BH 261 Manager LLC, et al.,  
Defendants.

-----X

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 15, 2010 (mot. seq. nos. 10, 11 and 12),

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 April 26, 2011.

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

-----X

John Cappabianca,

Plaintiff-Appellant,

-against-

Skanska USA Building Inc., et al.,

Defendants-Respondents.

-----X

M-951

Index No. 103046/06

Appeals having been taken to this Court from the order and the judgment of the Supreme Court, New York County, entered on or about May 10, 2010 (mot. seq. nos. 004, 005) and June 25, 2010, respectively,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals to the September 2011 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

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

-----X

Atlantic Aviation Investments LLC,

Plaintiff-Respondent-Appellant,

-against-

M-1315

Index No. 602286/09

MatlinPatterson Global Advisers LLC,  
et al.,

Defendants-Appellants-Respondents.

-----X

(And a third-party action)

-----X

Defendants-appellants-respondents and plaintiffs-respondents-appellants having jointly moved for an enlargement of time in which to perfect the appeal and cross appeal from the order of the Supreme Court, New York County, entered on or about April 29, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the October 2011 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

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

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

Respondent,

-against-

M-965  
Ind. No. 424/10

Jorge Beato,

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 January 24, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

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

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

Respondent,

-against-

Martin Galvan,

Defendant-Appellant.  
-----X

M-968  
Ind. Nos. 2584/07  
3489/07  
2463/08

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 17, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

Present: Hon. Peter Tom, Justice Presiding  
John W. Sweeny, Jr.  
James M. Catterson  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-907  
Ind. No. 6540/09

Fatoumata Diawara,  
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 September 29, 2010, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

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

-----X  
Zakkarie Carlucci, etc., et al.,  
Plaintiffs-Respondents-Respondents,

-against-

M-902  
Index No. 21166/05

The City of New York and the New York City Department of Homeless Services,  
Defendants-Appellants-Respondents,

-and-

York Management, LLC, Star Housing, LLC,  
and Judah Roth,  
Defendants-Respondents-Appellants,

-and-

Merriam LLC, et al.,  
Defendants.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 23, 2010, and said appeals having been perfected,

And plaintiffs-respondents having moved to supplement the record on appeal and for an enlargement of time to submit their 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 to supplement the record on appeal is denied, the motion is otherwise denied as unnecessary, the appeal having been adjourned to the September 2011 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

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

-----X

The People of the State of New York,  
Respondent,

-against-

M-1014  
Ind. No. 3248/99

Joel Murray,

Defendant-Appellant.

-----X

An order of this Court having been entered September 7, 2010 (M-3493), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about June 29, 2010, **denying resentence**, under Indictment No. 3248/99, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order to include the order of said Court entered on or about September 15, 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 amending the aforementioned order (M-3493) to include the order entered September 15, 2010, and extending the poor person relief previously granted to cover the same.

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 April 26, 2011.

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

-----X

In Re: New York City Asbestos Litigation

-----  
Keith Clark,  
Plaintiff,

-against-

**M-6300**

Index No. 190165/10

A.O. Smith Water Products, et al.,  
Defendants-Respondents,

Napoli Bern Ripka LLP and Joan M. Gasior,  
Esq.,  
Non-Party Appellants,

Joan M. Gasior, Esq.,  
Non-Party Appellant.

-----X

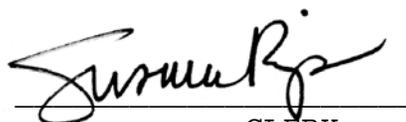
Appeals having been taken from the order of the Supreme Court, New York County, entered on or about November 8, 2010,

And defendant-respondent having moved for dismissal of the aforesaid appeals, 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 arguments upon appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

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

-----X

In the Matter of

Corey Dwayne B.,

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

- - - - -  
Cardinal McCloskey Services, et al.,  
Petitioners-Respondents,

M-659  
Docket No.  
30B-16474/09

Dwayne B.,  
Respondent-Appellant.

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

-----X

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

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Richard L. Herzfeld, Esq., 61 Broadway, Suite No. 1401, New York, New York 10006, Telephone No. 212-818-9019, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER :

  
CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

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

-----X  
In the Matter of

Tayquan T.,

**M-676**

A Person Alleged to Be a Juvenile  
Delinquent,

Docket No. D32238/10

Respondent-Appellant.  
-----X

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

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. (212) 233-0318, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the

---

1

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

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) directing appellant to perfect this appeal in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



---

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 April 26,2011.

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

-----X  
Galina Panova Fedoff,

Plaintiff-Respondent,

-against-

M-988  
Index No. 314185/03

Boris Winthrop Fedoff,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 7, 2010, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and files eight copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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 April 26, 2011.

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

-----X  
Frank Manzo,  
Plaintiff-Appellant,

-against-

**M-1029**

Index No. 403275/09

City of New York,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about February 2, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon submission by plaintiff-appellant of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that he has no funds or assets with which to prosecute the appeal, and a certificate of merit of an attorney pursuant to CPLR 1101(b).

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 April 26, 2011.

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

-----X  
The People of the State of New York,  
ex rel. Franklin Quiles,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 **M-915**  
of the Civil Practice Law and Rules, Index No. 250913/10

-against-

Warden, Otis Bantum Correctional  
Center, etc., et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about November 23, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that petitioner has no funds or assets with which to prosecute the appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

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

-----X  
Carmen Dalia Torres Taveras,  
Plaintiff-Appellant,

-against-

M-1082  
Index No. 303498/10

Envy Nail Inc.,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for relief in the nature of an appellate injunction, leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about January 31, 2011, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the attorney for respondent and files eight copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The 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 in the County of New York on April 26, 2011.

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

-----X  
Efraim Shurka,

Plaintiff-Appellant,

-against-

M-1292  
Index No. 304584/08

Jane Shurka,

Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for a stay of enforcement pending hearing and determination of the appeal taken from the amended order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 1, 2011,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court dated March 18, 2011 is vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
In the Matter of a Proceeding for  
Support Under Article 4 of the Family  
Court Act.

-----  
Latisha L.,  
Petitioner-Respondent,

M-1175  
Docket No. U11748/07

-against-

Omel McL., Jr.,  
Respondent-Appellant.

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

-----X  
An order of this Court having been entered on April 29, 2010 (M-1411), inter alia, granting respondent-appellant, leave to prosecute as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about July 10, 2009, and denying the portion of the motion with respect to the assignment of counsel,

And respondent-appellant father having moved for reargument of the aforesaid order entered on April 29, 2010 (M-1411),

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on April 26, 2011.

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

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

-against-

M-996  
Ind. No. 61425C/09

Samuel Mercado,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about August 24, 2010,

And an order of a Justice of this Court having been entered on September 30, 2010 (M-4971), granting defendant a stay of execution of judgment and bail pending hearing and determination of the aforesaid appeal,

And defendant-appellant having moved for a an enlargement of time in which to perfect said appeal and to continue the stay afforded him by the order of a Justice of this Court entered September 30, 2010 (M-4971),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before August 8, 2011 for the October 2011 Term, and the stay previously afforded appellant is continued.

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 April 26, 2011.

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

-----X

David Jiminian, as Administrator of the Goods, Chattels and Credits of the Estate of Mariela Jiminian, Deceased, and David Jiminian, Individually,  
Plaintiffs-Respondents,

-against-

M-1159  
Index No. 17509/07

St. Barnabas Hospital and "Jane Khan, R.N.",  
Defendants-Appellants,

-and-

Christopher Leong, D.O.,  
Defendant-Appellant,

-and-

Anthony Njapa, D.O., and Saskia Lytle-Viera, D.O.,  
Defendants.

-----X

Defendant-appellant St. Barnabas Hospital having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 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.

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 April 26, 2011.

Present: Hon. David Friedman, Justice Presiding  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-928  
Ind. No. 1927/08

Damon O. James,

Defendant-Appellant.

-----X

Defendant having renewed the motion 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 15, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

Present: Hon. David Friedman, Justice Presiding  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Alexander John B. and  
Isaiah Matthew B.,

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

-----  
Cardinal McCloskey Services, et al., M-1258  
Petitioners-Respondents, Docket Nos. B27940-1/08

Cynthia A.,  
Respondent-Appellant.

-----  
Beatrice Mayol, Esq.,  
Attorney for the Children.

-----X

An order of this Court entered September 14, 2010 (M-3079), inter alia, granting respondent-appellant leave to prosecute, as a poor person, the appeal taken from orders of the Family Court, Bronx County, entered on or about June 10, 2009 and May 13, 2010, respectively, and assigning Andrew Baer, Esq., as counsel to prosecute the appeal,

And Beatrice Mayol, Esq., Family Court Attorney for subject children, Alexander John B. and Isaiah Matthew B., having moved for an order to be relieved as Attorney for subject children and to substitute other counsel to respond to the appeal,

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

It is ordered that the motion is granted to the extent of assigning, pursuant to Article 18b of the County Law and §1120

of the Family Court Act, George E. Reed, Jr., Esq., 222  
Mamaroneck Ave., White Plains, New York 10605, Telephone No. 914-  
946-5000, as attorney for the subject children for purposes of  
responding to the appeal.

ENTER:

  
CLERK

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

BEFORE: Hon. Nelson S. Román  
Associate Justice of the Appellate Division

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

-against-

M-1361  
Index No. 116514-10

Shadia Brackman,

Defendant,

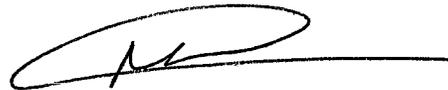
Christopher Montanez,

Surety,  
-----X

Christopher Montanez having moved for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about February 18, 2011, and having moved for leave to proceed as a poor person,

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 seeking leave to appeal is denied, without prejudice to appeal upon entry of a judgment, and leave to proceed as a poor person is denied as academic.



---

Nelson S. Román  
Associate Justice

Dated: **APR 20 2011**  
New York, New York

Entered: **APR 26 2011**

PM ORDERS  
ENTERED ON  
APRIL 21, 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 April 21, 2011.

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

-----X  
Hudson Valley Federal Credit Union,  
Plaintiff-Appellant,

-against-

New York State Department of Taxation  
and Finance, et al.,  
Defendants-Respondents.

M-1450  
Index No. 106732/09

- - - - -  
United States Attorney for the  
Southern District of New York,  
Amicus Curiae,

The National Association of Federal  
Credit Unions (NAFCU),  
Amicus Curiae.

-----X

An appeal having been taken to this Court by the above-named plaintiff from the order of the Supreme Court, New York County, entered on or about May 20, 2010, and said appeal having been perfected,

And the National Association of Federal Credit Unions (NAFCU) having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of permitting the National Association of Federal Credit Unions (NAFCU) to file 9 copies of the brief as amicus curiae forthwith.

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 April 21, 2011.

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

-----x  
Princess Point LLC, A New York limited  
liability Company,  
Plaintiff-Appellant,

-against-

M-1460  
Index No. 601849/08

AKRF Engineering, P.C., et al.,  
Defendants-Respondents.

-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about March 24, 2011,

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

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

PM ORDERS  
ENTERED ON  
APRIL 26, 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 April 26, 2011.

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

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

-against-

**M-1469**

Case No. 26104C/09

Ian Ellison,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 7, 2010,

And defendant-appellant having moved for an order holding the aforesaid appeal in abeyance pending determination in Bronx Trial Term of defendant's motion seeking to vacate the judgment of conviction pursuant to CPL440.10,

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

Ordered that the motion is granted to the extent of adjourning hearing of the present appeal to the September 2011 Term of this Court. (See M-1053, decided simultaneously herewith.)

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

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

-----X

The People of the State of New York,  
Respondent,

-against-

**M-1053**

Case No. 26104C/09

Ian Ellison,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 7, 2010, and said appeal having been perfected,

And an order of a Justice of this Court, dated July 8, 2010, having released defendant on his own recognizance pending determination of his appeal, and for defendant to file his appellant's brief within 120 days unless defendant obtained an order of this Court granting an extension thereof,

And an order of this Court having been entered on December 9, 2010 (M-5094), granting defendant's motion to the extent of continuing defendant's release on his own recognizance on the same conditions set forth in the order of a Justice of this Court, dated July 8, 2010, pending determination of the aforesaid appeal,

And defendant-appellant having moved for an order continuing defendant's release on own recognizance and adjourning 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, on consent, to the extent of continuing defendant's release on own recognizance on the same conditions set forth in the prior order of a Justice of this Court, dated July 8, 2010, pending determination of the appeal which is adjourned to the September 2011 Term. (See M-1469, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

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

-----X

John P. Bostany,  
Plaintiff-Respondent,

-against-

Trump Organization LLC, et al.,  
Defendants-Appellants.

-----X

(And another action)

**M-1413**

**M-1606**

Index No. 602627/08

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 18, 2010 (mot. seq. no. 010),

And defendants-appellants having moved for an order staying the trial pending hearing and determination of the aforesaid appeal (M-1413),

And plaintiff-respondent having cross-moved to adjourn the appeal (M-1606),

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

It is ordered that the motion to stay trial is granted. The cross motion is denied as unnecessary, said relief having been granted by the order of a Justice of this Court on April 11, 2011, adjourning the aforesaid appeal to the September 2011 Term.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 26, 2011.

PRESENT - Hon: Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
James M. Catterson  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,  
etc.,  
Plaintiff-Respondent,

-against-

Maurice R. Greenberg and  
Howard I. Smith,  
Defendants-Appellants.

SEALED  
M-1619  
Index No. 401720/05

-----X

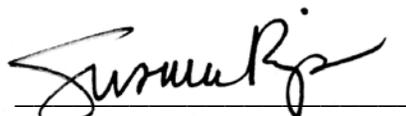
Appeals having been taken from the order of the Supreme Court, New York County, entered on or about October 21, 2010 (mot. seq. no. 40), and said appeals having been perfected,

And the Chamber of Commerce of the United States of America having moved for leave to file a brief amicus curiae with respect to the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of directing that the amicus brief be served and filed forthwith, with plaintiff-respondent granted leave to file a supplemental respondent's brief on or before May 6, 2011, if so advised.

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 April 26, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Diane T. Renwick  
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of

Sabrina D.,

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

**M-1684**  
Docket No. NN27988/08

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

Nicolas D.,  
Respondent-Appellant.

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

-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about October 15, 2009, and said appeal having been perfected,

And Matthew Gray, Esq., having moved for an order to be relieved as attorney for the subject child and to assign other counsel to respond to the appeal,

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

It is ordered that the motion is granted to the extent of assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516) 921-8800 as attorney for the child for purposes of responding to the appeal, and the appeal is sua sponte adjourned to the September 2011 Term.

ENTER:

  
CLERK