

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3659
Ind. No. 6333/09

Carlos Perez,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 19, 2010,

Now, upon reading and filing the stipulation of the parties hereto, "so ordered" August 8, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

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

-against-

M-3660
Ind. No. 592/10

Hector Collet,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 23, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated July 31, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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,
Appellant,

-against-

M-3661
Ind. No. 4487/10

Johnny Vaughn,
Defendant-Respondent.

-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about January 14, 2011,

Now, upon reading and filing the stipulation of the parties "so ordered" dated July 21, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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,
Appellant,

-against-

M-3662
Ind. No. 3952/10

Jorge Levya,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 13, 2011,

Now, upon reading and filing the stipulation of the parties hereto, "so ordered" July 21, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

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

-against-

Victor Roman,
Defendant-Respondent.

M-3663
Ind. Nos. 4931/96
6894/96

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 4, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated July 7, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3677
Ind. No. 1822/10

Odetta Williams,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 2, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated August 1, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3632
Ind. No. 5391/08

Charles Flow, also known as Charlie
Flow,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 9, 2010 (M-4289) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 27, 2010,

And assigned counsel, Robert S. Dean, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

Now, upon reading and filing the correspondence of the defendant-appellant hereto, dated August 15, 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 October 6, 2011.

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

-----X
Syncora Guarantee Inc.,
Plaintiff-Respondent-Appellant,

-against-

M-3613
Index No. 650042/09

Countrywide Home Loans, Inc.,
Countrywide Securities Corp.,
and Countrywide Financial Corp.,
Defendants-Appellants-Respondents.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 2, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated August 5, 2011 and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the May 2011 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----X

Alan S. Gordon,
Plaintiff-Appellant,

-against-

M-3671
Index No. 116071/04

Park Mad 74 Realty LLC, Simone
Development Company, L.L.C.,
Charles Cortes Company, Inc.,
John Does No. 1010 and
John Doe, Inc. No. 1-10,
Defendants-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 22, 2005 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated July 21, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2006 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 October 6, 2011.

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

-----X

Seth Fielding,
Plaintiff-Respondent,

-against-

M-3795
Index No. 113572/07

Stephanie Kupferman and
Kupferman & Kupferman, LLC,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 6, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated August 3, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the May 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 October 6, 2011.

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

-----X

Hollie Elkins,
Plaintiff-Respondent,

-against-

M-3648
Index No. 114978/07

Bucur Express Cab Corp. and
Papa Seck,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 7, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated August 2, 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

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

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

ENTER:


CLERK

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----x
Samuel Cosentino,

Plaintiff-Appellant,

-against-

M-4054
Index No. 121296/03

Sullivan Papain Block McGrath &
Cannavo, P.C.,

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 May 24, 2010 (mot. seq. no. 009),

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 October 6, 2011.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Theresa Devito,
Plaintiff-Appellant,

-against-

Dennis Feliciano, et al.,
Defendants-Respondents.

M-2954
Index No. 18057/06

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 26, 2011 (Appeal No. 4120),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----x
2626 Bway LLC,

Plaintiff-Appellant,

-against-

Broadway Metro Associates, L.P.,

Defendant-Respondent.
-----x

M-3992
Index No. 105635/10

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 June 28, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeal to the February 2012 Term, with no further enlargements to be granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Awards.Com, LLC,
Plaintiff,

Inspire Someone, LLC,
Plaintiff-Respondent,

-against-

M-2897
Index No. 603105/03

Kinko's, Inc.,
Defendant-Appellant,

Federal Express Corp., et al.,
Defendants.

-----X

Plaintiffs-respondents having moved for reargument of the decision and order of this Court entered on May 24, 2011 (Appeal No. 5158-5158A-5158B),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----X
Christine O'Sullivan,

Plaintiff-Appellant,

-against-

Armando Velez, Elrac, Inc. and
Mahmoud R. Hassan,

Defendants-Respondents.
-----X

M-2091
M-2099
Index No. 109638/05

Defendant-respondent Mahmoud R. Hassan having moved (M-2091) for reargument of the decision and order of this Court entered on April 5, 2011 (Appeal No. 4696),

And defendants-respondents Armando Velez and Elrac, Inc. having cross-moved (M-2099) for the aforesaid relief,

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 and cross motion are denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----X
Amanda Villaverde,
Plaintiff-Respondent,

-against-

M-2862
Index No. 308521/08

M.A. Santiago-Aponte, et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 10, 2011 (Appeal No. 5020),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----X
Chappo & Co., Inc.,
Plaintiff-Appellant-Respondent,

-against-

M-2355
Index No. 602562/09

Ion Geophysical Corporation,
Defendant-Respondent-Appellant,

Barclays Capital Inc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant-respondent having moved for reargument of the decision and order of this Court entered on April 14, 2011 (Appeal No. 4777),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

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

Sarayl Waterman,
Petitioner,

M-4081
Index No. 401221/10

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about December 14, 2010,

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

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

It is ordered that the motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and file copies of such brief, together with the original record, with this Court pursuant to Rule 600.11 of the Rules of this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The time to perfect the proceeding enlarged to the February 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----x
Barneli & Cie SA,
Plaintiff-Respondent,

-against-

Dutch Book Fund SPC, Ltd., et al.,
Defendants-Appellants.
-----x

M-4019
Index No. 600871/08

Defendants-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 August 12, 2010 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time 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 October 6, 2011.

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

-----X

In re JT Tai & Co., Inc.,
Petitioner-Appellant,

-against-

M-3083

Index No. 117410/09

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

In re Manoco LP.,
Petitioner-Appellant,

-against-

Index No. 117689/09

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

In re Stacy Maou,
Petitioner-Appellant,

-against-

Index No. 117411/09

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

In re Robinson Callen, Trustee,
Petitioner-Appellant,

-against-

Index No. 117293/09

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

-----X

Petitioners-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 7, 2011 (Appeal Nos. 4961-4964),

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

It is ordered that the motion is denied.

ENTER:

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

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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
ex rel. Kariym Bell,
Petitioner,

-against-

M-3155
Ind. No. 1375/11

Rose Agro, Warden, etc., et al.
Respondent(s).

-----X

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

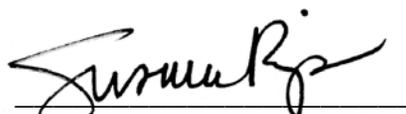
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 October 6, 2011.

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

-----X
The People of the State of New York
ex rel. Dale Robertson,

Petitioner,

-against-

M-3173
Ind. No. 3214/09

JoAndrea Davis, Warden, etc.,

Respondent.
-----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 denied and dismissed (CPLR § 7003[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 October 6, 2011.

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

-----X
Cynthia Olivaria, et al.,
Plaintiffs-Respondents,

-against-

M-2627
Index No. 7492/02

Lin & Son Realty, Corp.,
Defendant-Appellant,

922 Third Avenue, LLC, et al.,
Defendants.

-----X

Plaintiffs-respondents having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 3, 2011 (Appeal No. 4209N),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3441
Ind. No. 2866/07

Jose Reyes,

Defendant-Appellant.
-----x

An appeal having been taken to this Court from a judgment of the Supreme Court, New York County, rendered on or about June 24, 2008,

And having moved for leave to withdraw the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated July 12, 2011, and due deliberation having been had thereon,

It is ordered that the appeal 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 October 6, 2011.

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

-----x

Regalada Moreno,

Plaintiff-Appellant,

-against-

M-3166

Index No. 309444/08

Rously Paul,

Defendant-Respondent.

-----x

Defendant-respondent having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about March 16, 2011,

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

It is ordered that the motion is denied (CPLR 5501[c]).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----x

Russel H. Beatie,

Plaintiff-Appellant,

-against-

M-3185

Index No. 603728/08

Daniel A. Osborn,

Defendant-Respondent.

-----x

Defendant-respondent having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about May 12, 2011 (mot. seq. no. 010), as untimely taken,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3265

Ind. No. 5604/08

Shadron Rambert,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 14, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3388
Ind. No. 287/10

Dexter Dorner,

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 February 1, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3389
Ind. No. 643/10

Kareem Santiago,

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 February 1, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3264
Ind. No. 1548/09

Jeffery Acevedo,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Michael Obus, J.), entered on or about June 16, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Obus as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3342
Ind. No. 2655/08

Joel Molina,
Defendant-Appellant.

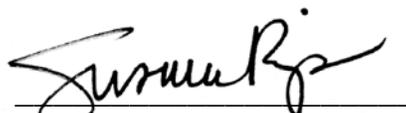
-----X

An order of this Court having been entered on August 30, 2010 (M-3636), inter alia, granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 29, 2010, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3273
Ind. No. 3471/07

Christopher Salas,

Defendant-Appellant.
-----X

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 June 13, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with retained trial counsel, David Goldstein, 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 October 6, 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-3275
Ind. No. 2029/10

Arthur Sherwood,

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 29, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Lance Lazzaro, 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 October 6, 2011.

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

-----x

Vincent Mancusi, et al.,
Plaintiffs,

-against-

CJUF II Hanson LLC,
Defendants,

HSBC Mortgage Construction (USA), M-3657
Defendant-Respondent/Appellant, M-3756
M-3792
J.T. Magen Construction Company Inc., Index No. 403065/06
Defendant-Respondent-Appellant,

Chelsea Floor Covering Acquisitions
Corp. and John Knopf Flooring, Inc.,
Defendants-Respondents-Appellants,

FC Hanson Office Associates, Inc.,
Defendant-Appellant.

- - - - -
[And other actions]

-----x

Appeals and a cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 22, 2010 (mot. seq. nos. 005, 006, 007, 008),

And defendant HSBC Mortgage Construction (USA) [M-3657] and defendant FC Hanson Office Associates, Inc. [M-3756] having separately moved for an enlargement of time to perfect their respective appeals,

And defendant JT Magen Construction Company Inc. having cross-moved for an enlargement of time to perfect their cross appeal [M-3792],

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

Sua sponte, the appeals and cross appeal are consolidated and the parties are permitted to prosecute the appeals and cross appeal upon 8 copies of one record and one set of appellant's points covering the appeals and cross appeal. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect the consolidated appeals and cross appeal is enlarged to the February 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3370
Case 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 an enlargement of time in which to perfect said appeal, and for a continuation of the stay granted 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 December 5, 2011 for the February 2012 Term, and the stay previously granting by the order of a Justice of this Court on September 30, 2010 is continued pending hearing and determination of the aforesaid appeal.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----X
Stevi Brooks Nichols,
Plaintiff-Appellant,

-against-

M-2435
Index No. 112297/08

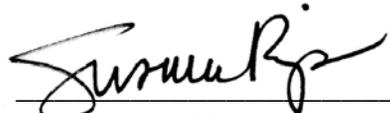
W. Roberts Curtis, Esq., et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeals taken from orders of the Supreme Court, New York County, entered on or about July 16, 2010, July 19, 2010 and December 9, 2010, and from an order and judgment of said Court entered on or about February 18, 2011, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals the February 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----x

Amy Stuart Wells,

Plaintiff-Respondent,

-against-

M-3423

Index No. 310427/09

Todd W. Serman,

Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeals from judgments of the Supreme Court, New York County, entered on or about October 15, 2010 (mot. seq. no. 004) and January 3, 2011 (mot. seq. no. 005), respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the appeals to the February 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2011.

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

-----X
York Hunter Construction Services,
Inc.,
Plaintiff,

-against-

Great American Custom Insurance
Services, Inc., et al.,
Defendants,

M-3564
Index No. 109049/06

Utica First Insurance Company, formerly
known as Utica Fire Insurance Company
of Oneida County, N.Y.,
Defendant-Appellant,

Liberty Mutual Insurance Company,
Claimant-Intervenor.

-----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 September 17, 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 on or before December 5, 2011 for the February 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3324
Ind. No. 4917/09

Fatima Crowder,

Defendant-Appellant.
-----x

Defendant-appellant having moved for an enlargement of time to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 23, 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 to the extent of enlarging the time to perfect the appeal to the March 2012 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----x
230-79 Equity, Inc.,

Plaintiff-Appellant,

-against-

Robert Mancuso, et al.,

Defendants-Respondents.
-----x

M-3873
Index No. 101228/04

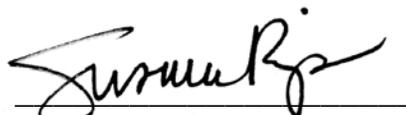
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 9, 2010 (mot. seq. no. 006),

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

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

It is ordered that the motion is granted to the extent of continuing the interim stay of trial granted by the order of a Justice of this Court dated August 22, 2011, on condition 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 October 6, 2011.

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

-----x
Tadco Construction Corp., et al.,

Plaintiff-Appellant,

-against-

M-2289
Index No. 600039/07

Dormitory Authority of the State of
New York,

Defendant-Respondent.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 15, 2010,

And defendant-respondent having moved for leave to strike the notice of appeal filed by plaintiff-appellant,

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 notice of appeal filed with the moving papers (Exh. B) is deemed valid pursuant to CPLR § 5520(c).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 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-3210
Ind. No. 1052/08

Christopher DeJesus,
Defendant-Appellant.

-----x

An order of this Court having been entered on May 11, 2010 (M-1462), inter alia, granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 26, 2010, and assigning counsel therefor,

And defendant-appellant having moved for an order unsealing the records on two related Supreme Court, Bronx County cases entitled *People v Christopher DeJesus* under Indictment Nos. 65593C/09 and 74197C/09, for the purposes of perfecting 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, and the Clerk of said Court is directed to provide a copy of said minutes to defendant's appellate counsel for purposes of 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 October 6, 2011.

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

-----x
Sioni & Partners LLC,
Plaintiff-Respondent,

-against-

Vaak Properties LLC,
Defendant-Appellant,

M-3788
Index No. 625414/10

-and-

Kaiko Chan, Esq., as Escrow Agent,
Defendant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about August 5, 2011, and said appeal having been perfected,

And defendant-appellant having moved for a stay of enforcement of the order pending hearing and determination of the appeal taken therefrom,

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 continuing the interim relief granted by the order of a Justice of this Court dated August 17, 2011 upon the same conditions, and on the additional condition that the amount consisting of post-judgment statutory interest through February 2012 also be placed with the same escrow agent.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

Present: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Respondent,

-against-

Karina Araujo,

Defendant-Appellant.
-----X

SEALED
M-3775
Case No. 37119C/09

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 22, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Marika Meis, Esq., The Bronx Defenders, 860 Courtlandt Avenue, Bronx, NY 10451, Telephone No. (718) 838-7846, 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

PM ORDERS
ENTERED ON
OCTOBER 6, 2011

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----X
Frances Ashley Rubacha,
Plaintiff-Appellant,

-against-

M-3530
Index No. 306003/10

Paul Rubacha,
Defendant-Respondent.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 27, 2011,

And plaintiff-appellant having moved for a stay of that portion which, inter alia, directed plaintiff to authorize certain financial transfers from the parties' dual signature account, and directed that a projected New York State tax refund be deposited with Ashley Capital, 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 to the extent of continuing the relief granted by an order of a Justice of this Court dated August 2, 2011, pending hearing and determination of the appeal on condition that the appeal is perfected on or before November 7, 2011 for the January 2012 Term. Upon failure to so perfect an order vacating the stay may be entered ex parte, provided respondent serves a copy of this order upon the appellant within 10 days after the date of entry hereof.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----x

Franklin Knobel,
Plaintiff-Appellant,

-against-

Doris Shaw, Individually and as
Executrix of the Estate of J. Stanley
Shaw, et al.,
Defendants-Respondents,

M-4143
Index No. 603372/09

-and-

Helen Licitra, as Executrix of the
Estate of Joseph Licitra, et al.,
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 9, 2010, and said appeal having been perfected,

And defendants-respondents having moved for an order striking portions of plaintiff-appellant's reply 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 October 6, 2011.

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

-----x

444 East 86th Owners Corp.,
Plaintiff-Appellant,

-against-

435 E. 85th Street Tenants Corp.,
Defendant-Respondent.

-----x

M-3508

M-3859

Index No. 106047/09

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 14, 2011,

And plaintiff-appellant having moved for a stay of enforcement of the aforesaid order appealed pending hearing and determination of the appeal taken therefrom, and for related relief (M-3508),

And defendant-respondent having cross-moved for dismissal of so much of the appeal which pertains to the trial court's so called "Probe Order" dated May 27, 2010, as time-barred and not appealable as of right (M-3859),

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 denied and the cross motion is denied, without prejudice to raising the argument in the respondent's brief.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----x
In re The City of New York, et al.,
Petitioners,

-against-

M-2693
Index No. 464/10

John C. Liu, etc., et al.,
Respondents.
-----x

A decision and order of this Court having been entered on May 31, 2011 (Appeal No. 5123 [M-5826]), denying petitioner's application for an order pursuant to Article 78 of the Civil Practice Law and Rules, and dismissing said petition,

And petitioner the City of New York having moved for an order vacating the decision and order of this Court entered May 31, 2011 (Appeal No. 5123 [M-5826]), reinstating said petitioner's CPLR Article 78 petition, and enlarging the time to perfect said proceeding,

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

It is ordered that the motion is granted, the decision and order of this Court entered May 31, 2011 (Appeal No. 5123 [M-5826]) is hereby recalled and vacated, and petitioners are directed to perfect the proceeding on or before January 3, 2012 for the March 2012 Term. The Clerk is directed to calendar the appeal for hearing during 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 October 6, 2011.

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

-----X
Connectu, Inc.,
Petitioner,

-and-

Howard Winklevoss, et al.,
Petitioners-Respondents,

SEALED
M-3422
Index No. 602082/08

-against-

Quinn Emanuel Urquhart Oliver &
Hedges LLP,
Respondents-Appellants.

-----X

An appeal and cross appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about November 8, 2010 (mot. seq. no. 011) and from a judgment of said Court entered on or about November 29, 2010,

And an order of this Court having been entered on April 7, 2011 (M-714), dismissing the petitioners-appellants-respondents direct appeal unless perfected for the September 2011 Term,

And respondents-respondents-appellants having moved for dismissal of petitioners-appellants-respondents' aforesaid direct appeal,

Now, upon reading and filing the papers with respect to the motion and the aforesaid order of this Court (M-710), and due deliberation having been had thereon,

It is ordered that the motion is granted and the direct appeal is dismissed. The cross appeal remains extant.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 6, 2011.

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

-----X
Phillip Danishefsky and Peggy Danishefsky,
Petitioners-Appellants,

-against-

M-3421A
M-3642A

Roderick Covlin and David Covlin and
Carol Covlin,
Respondents-Respondents.

Action No. 1
Index No. 100206/10
SEALED

-----X
The People of the State of New York
ex rel. Joel Danishefsky and Jaelene
Danishefsky, on behalf of Anna Colvin
and Myles Colvin, their Granddaughter
and Grandson,
Petitioners-Appellants,

-against-

Action No. 2
Index No. 109087/10
SEALED

Roderick Covlin, David Covlin and Carol
Covlin,
Respondents-Respondents.

Jo Ann Douglass, Esq.,
Attorney for the child Anna Covlin,

Jane B. Friedman, Esq.,
Attorney for the child Myles Covlin.

-----X

Appeals having been taken in Action No. 1 from an order of the Supreme Court, New York County, entered on or about January 11, 2010, and from orders and an amended order of said Court entered on or about November 9, 2010, and from

the orders of said Court entered on or about January 11, 2011 and April 19, 2011, respectively, and said appeals having been perfected,

And an appeal having been taken in Action No. 2 from the judgment of the Supreme Court, New York County, entered on or about April 19, 2011, and said appeal having been perfected,

And respondent-respondent, Roderick Covlin, having moved, by separate motions, for leave to respond to the aforesaid appeals as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motions are granted to the extent of (1) assigning Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York 10601, Telephone No. 914-949-8214, as counsel for purposes of responding to the appeals; (2) permitting movant to respond to the appeals upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for respondent-appellant, Roderick Covlin, and 8 copies thereof are filed with the Court. Sua sponte, the appeals are adjourned to the February 2012 Term. The order of this Court entered on September 29, 2011 (M-3421/M-3642) is hereby recalled and vacated.

ENTER:


CLERK