

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 December 14, 2010.

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-5509  
Ind. No. 1999/07

Li-Chieh Pao,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about September 30, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated October 28, 2010, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 14, 2010.

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

-----X  
Jorge Rojas,

Plaintiff-Appellant,

-against-

City of New York,

Defendant-Respondent.  
-----X

M-5567  
Index No. 103777/07

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 2, 2009 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated November 4, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 2010 Term, is withdrawn in accordance with the aforesaid stipulation.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 December 14, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli,  
Richard T. Andrias  
Eugene Nardelli  
Rosalyn H. Richter, Justices.

-----X  
Glencord Building Corp. and Giustizia  
Aggressivo, LLC, as Tenants-in-Common,  
Petitioner-Landlord-Respondent,

-against-

M-5046  
Index No. 570466/09

Elena Strujan,  
Respondent-Tenant-Appellant,

-and-

"John Doe",  
Respondent-Undertenant.

-----X

An order of this Court having been entered on September 28, 2010 (M-2381), denying respondent-tenant-appellant leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or February 18, 2010,

And respondent-tenant-appellant having moved for poor person relief and the assignment of 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 denied, leave to appeal to this Court having been denied by the aforesaid order of this Court entered on September 28, 2010 (M-2381).

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 December 14, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
James Hotel NY 57, LLC,  
Petitioner-Appellant,

-against-

M-4881  
Index No. 651423/10

Herrick, Feinstein LLP and Jams, Inc.,  
doing business as James ADR Services,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for a stay of arbitration proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 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 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 December 14, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X  
Fatima Seck,

Plaintiff-Respondent,

-against-

Mustaffa Balla, et al.,

Defendants-Appellants.  
-----X

M-5187  
Index No. 300647/08

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 12, 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 December 14, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Eugene Nardelli  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
Lindsey Kupferman Nederlander,  
Plaintiff-Respondent,

-against-

M-4580  
M-4578  
Index No. 350510/07

Eric Nederlander,  
Defendant-Appellant.

-----X

An appeal having been taken by defendant father from the order of the Supreme Court, New York County, entered on or about August 23, 2010, which granted plaintiff mother certain temporary relief,

And defendant having moved for, inter alia, a stay of enforcement of the aforesaid order of the Supreme Court (M-4578),

And plaintiff having cross-moved for an order dismissing defendant's appeal (M-4580),

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

Ordered that plaintiff's cross motion to dismiss defendant's appeal from the non-final order entered on or about August 23, 2010 is granted without prejudice to defendant raising the issues related thereto on an appeal taken from a final order entered after trial (M-4580). Defendant's motion for a stay is denied as academic (M-4578).

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 December 14, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Fernando Diaz, deceased, by Aracelis  
Santiago and Candida Yoheli Batista  
De Diaz, as co-administratrices of the  
Estate of Fernando Diaz, deceased, and  
Candida Yoheli Batista De Diaz and  
Aracelis Santiago, as mother and natural  
guardian of Jennifer Diaz, individually,

M-5022  
Index No. 22197/04

Plaintiffs-Appellants,

-against-

Mallory Management Corp.,

Defendant-Respondent.  
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about December 22, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 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 December 14, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X  
Julian Camacho, an infant, by his  
mother and natural guardian,  
Janina Rivera, and Janina Rivera,  
individually,  
Plaintiffs-Respondents,

-against-

M-5242  
Index No. 110475/06

New York City Housing Authority,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 10, 2009 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 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 December 14, 2010.

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-

Larry Fernandez,

Defendant-Appellant.  
-----X

M-5294  
DC #19  
Case No. 58053C/05

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about June 27, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the May 2011 Term and counsel is directed to so perfect.

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 December 14, 2010.

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-

Ann Landsman,

M-5314  
DC #35  
Ind. No. 95093/05

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about August 7, 2007,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the May 2011 Term and counsel is directed to so perfect.

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 December 14, 2010.

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-

Latisha Johnson,

M-5311  
DC #33  
Ind. No. 778/06

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about November 25, 2008,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 28, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that the appellant's time to perfect the appeal is enlarged to the June 2011 Term and counsel is directed to so perfect.

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 December 14, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam, Justices.

-----x  
In the Matter of the Application of  
Beverly Riley,  
Petitioner-Respondent,

For a Judgment, etc.,

M-5286  
Index No. 100517/10

-against-

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

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County entered on or about September 20, 2010,

And petitioner-respondent having moved for vacatur of the municipal respondent's CPLR 5519 (a)(1) stay of judgment pending hearing and determination of the aforesaid appeal, and/or other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated November 4, 2010, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
Abigail Williams,  
Plaintiff-Appellant,

John Williams,  
Plaintiff,

M-5060  
Index No. 16058/03

-against-

Peter M. Staway, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 14, 2009,

And defendant-respondent Gabriel Huaraca having moved for an order dismissing plaintiff Abigail Williams' appeal for failure to timely perfect,

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

Ordered that the motion is granted and plaintiff's appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Ana Cecilia Perez,

Plaintiff-Appellant,

-against-

Soutra Limousine Inc., et al.,

Defendants-Respondents.  
-----X

M-5156  
Index No. 13348/06

Defendants-respondents having moved for dismissal of the appeal taken from order of the Supreme Court, Bronx County, entered on or about September 23, 2009,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----X  
Gryphon Domestic VI, LLC, OCM  
Opportunities Fund II, L.P., OCM  
Opportunities Fund III, L.P.,  
Columbia/HCA Master Retirement  
Trust and Gramercy Emerging  
Markets Fund,  
Plaintiffs/Judgment Creditors-  
Appellants-Respondents,

-and-

Warner Mansion Fund,  
Plaintiff/Judgment Creditor,

-against-

APP International Finance Company, B.V., M-5083  
P.T. Lontar Papyrus Pulp & Paper Index No. 603315/02  
Industry and Asia Pulp & Paper  
Company, Ltd.,  
Defendants,

-and-

Indah Kiat International Finance Company,  
B.V., and P.T. Indah Kiat Pulp & Paper  
Corporation  
Defendants/Judgment Debtors,

-and-

Schnader Harrison Segal & Lewis LLP,  
Jones Day and Pillsbury Winthrop LLP,  
Non-Party Respondents,

-and-

White & Case LLP,  
Non-Party Respondent-Appellant.

-----X

Appellant and cross appellant having moved for an enlargement of the time of the respective parties in which to perfect the appeal and cross appeal from the consolidated orders of the Supreme Court, New York County, entered on or about January 19, 2006 (mot. seq. nos. 024, 025, 026, 027 and 028),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated October 12, 2010 and due deliberation having been had thereon,

It is ordered that the motion is denied and the appeal and cross appeal are dismissed. (See M-5086 and M-5087, 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 December 14, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----X  
Gryphon Domestic VI, LLC, OCM  
Opportunities Fund II, L.P.,  
OCM Opportunities Fund III, L.P.,  
Columbia/HCA Master Retirement  
Trust and Gramercy Emerging  
Markets Fund,  
Plaintiffs/Judgment Creditors-  
Appellants-Respondents,

-and-

Warner Mansion Fund,  
Plaintiffs/Judgment Creditor,

M-5086  
Index No. 603315/02

-against-

APP International Finance Company,  
B.V., P.T. Lontar Papyrus Pulp &  
Paper Industry and Asia Pulp & Paper  
Company Ltd., Indah Kiat International  
Finance Company B.V. and P.T. Indah  
Kiat Pulp & Paper Corporation;  
Defendants/Judgment Debtors-  
Respondents-Appellants.

-----X

Appellants and cross appellants having moved for an enlargement of time of the parties in which to perfect their respective appeals and cross appeals from the orders of the Supreme Court, New York County, entered on or about July 13, 2005, April 27, 2006, May 20, 2008 and June 24, 2008, respectively,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated October 12, 2010, and due deliberation having been had thereon,

It is ordered that the motion is denied and the appeals and cross appeals are dismissed. (See M-5083 and M-5087, 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 December 14, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----X  
Gryphon Domestic VI, LLC, OCM  
Opportunities Fund II, L.P.,  
OCM Opportunities Fund III, L.P.,  
Columbia/HCA Master Retirement  
Trust and Gramercy Emerging  
Markets Fund,  
Plaintiffs/Judgment Creditors-  
Appellants,

-and-

Warner Mansion Fund,  
Plaintiff/Judgment Creditor,

M-5087  
Index No. 603315/02

-against-

APP International Finance Company,  
B.V., P.T. Lontar Papyrus Pulp &  
Paper Industry, Asia Pulp & Paper  
Company Ltd. and Indah Kiat International  
Finance Company B.V.,  
Defendants/Judgment Debtors,

-and-

P.T. Indah Kiat Pulp & Paper Corporation,  
Defendant/Judgment Debtor-Respondent,

-and-

ABN Amro Bank N.V., DBS Bank Ltd., and  
White & Case LLP,  
Non-Party Respondents.

-----X  
Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 15, 2005 (mot. seq. no. 018),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated October 12, 2010 and due deliberation having been had thereon,

It is ordered that the motion is denied and the appeal is dismissed. (See M-5083 and M-5086, 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 December 14, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
James M. McGuire  
Rolando T. Acosta  
Nelson S. Román, Justices.

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

-against-

M-4845  
Ind. No. 4386/08

Victoria Chin, also known as Victory  
Chin,  
Defendant-Appellant.

-----X

Defendant having renewed her motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 22, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
James M. McGuire  
Rolando T. Acosta  
Diane T. Renwick  
Helen E. Freedman, Justices.

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

- - - - -  
Jennifer J.,  
Petitioner-Appellant,

M-4849  
Docket No. V15497-8/02/08B

-against-

Robert P. D.,  
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about February 18, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 682-2171, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of

Keena H.,

A Person Alleged to Be a Juvenile  
Delinquent,

M-4465  
Docket No. D25394/09

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 January 27, 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, Lisa H. Blitman, Esq., 225 Broadway, Suite 1203, New York, NY 10007, Telephone No. (212) 724-2792, 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 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

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<sup>1</sup>Service of appellant's brief upon respondent 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 December 14, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

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

-against-

Bernard Brown,  
Defendant-Appellant.

M-5049  
Ind. Nos. 475-77/00  
482-84/00  
4232/00

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County rendered on or about February 17, 2010,

An order of this Court having been entered on September 28, 2010 (M-3739) substituting Richard M. Greenberg, 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 Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11<sup>th</sup> Floor, New York, New York 10006, Telephone No. 212-577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of the Application of  
Armando Guzman, Sr.,

Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-5103

-against-

Robert T. Johnson, District Attorney,  
County of the Bronx,

Respondent.  
-----X

Petitioner having moved for leave to prosecute, as a poor person, an application for certain relief pursuant to Article 78 of the Civil Practice Law and Rules,

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 December 14, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam, Justices.

-----X  
Pamela Lawrence,  
Plaintiff-Respondent,

-against-

M-5393  
Index No. 100020/09

217 Fifth Avenue Owners Corp.,  
et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 4, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 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 December 14, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam, Justices.

-----X  
Avivith Oppenheim, et al.,  
Plaintiffs-Appellants,

-against-

Mojo-Stumer Associates Architects,  
P.C., etc., et al.,  
Defendants-Respondents,

M-5358  
Index No. 602408/06

Joseph Viscuso,  
Defendant.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 21, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 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 December 14, 2010.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Rolando T. Acosta  
Leland G. Degrasse  
Rosalyn H. Richter, Justices.

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

-against-

M-4040  
Ind. No. 2794/07

Paul Alexander,  
Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on April 22, 2010 (Appeal No. 2595), unanimously affirming a judgment of the Supreme Court, New York County (Gregory Carro, J.), rendered on July 17, 2008,

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

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

It is ordered that said application is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Eduardo E.,

A Person Alleged to Be a  
Juvenile Delinquent,

M-5048  
Docket No. D-21194/10

Respondent.  
-----X

Respondent having moved for leave to appeal to this Court from an order of detention of the Family Court, Bronx County, entered on or about October 4, 2010, and for other relief,

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

It is ordered that the motion is 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 December 14, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
The People of State of New York  
ex rel. John Nicholas Ianuzzi, J.D.,  
on behalf of Celeste Ricciardi,

Petitioner-Appellant,

M-4834  
Index No. 112197/10

-against-

Dora B. Shapiro, Commissioner of  
N.Y.C. Department of Corrections,  
et al.,

Respondents-Respondents.  
-----X

Petitioner-appellant having moved to be admitted to bail pending hearing and determination of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about September 17, 2010, which denied and dismissed her habeas corpus petition,

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 December 14, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
James M. Catterson  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
Rahel Tadesse,  
Plaintiff-Respondent,

-against-

M-5439  
Index No. 18830/07

Nabil M. Degnich, Thomas O'Connor,  
Defendants-Appellants,

Daniel Awvah, 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, Bronx County, entered on or about June 28, 2010 (mot. seq. nos. 22-23),

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 December 14, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
James M. Catterson  
Diane T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
Sandra Piedrabuena Abrams,  
Plaintiff-Appellant,

-against-

M-5630  
Index No. 110329/09

Danielle Pecile,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 7, 2010,

And plaintiff-appellant having moved to stay her obligation to produce certain materials in accordance with the aforesaid order of the Supreme Court pending hearing and determination of the appeal 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 on condition that the appeal is perfected on or before January 31, 2011 for the April 2011 Term, and upon further condition that all subject materials including but not limited to any photo or video file contained on any of the subject computer drives be preserved without alteration, modification or deletion, pending hearing and determination of the aforesaid appeal. Upon failure to so perfect and/or meet said condition, an order vacating the stay may be entered ex parte, provided that respondent serve a copy of this order upon 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 December 14, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4844  
Ind. No. 2340/07

Kanjy Felipe,  
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 April 9, 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 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.

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 December 14, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Helen E. Freedman  
Nelson S. Román, Justices.

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

-against-

M-4647  
Ind. No. 6841/06

Charles Stenson,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 1, 2009 (Appeal No. 1614), unanimously affirming a judgment of the Supreme Court, New York County (Richard D. Carruthers, J.), rendered on March 26, 2008,

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

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

It is ordered that said application is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4847  
Ind. No. 3833/08

Harold Taylor, also known as Howard  
Taylor,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 16, 2008,

And an order of this Court having been entered on January 29, 2009 (M-18) granting defendant poor person relief and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel for purposes of prosecuting defendant's appeal,

And defendant having subsequently moved for an order relieving Robert S. Dean, Esq., as counsel on the appeal and said motion having been granted on October 15, 2009 (M-3987) and assigning Richard M. Greenberg, Esq., Office of Appellate Defender, as counsel on defendant's appeal,

And defendant having once again moved for an order relieving assigned counsel and to substitute other counsel to prosecute 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 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 December 14, 2010.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,  
David Friedman  
James M. Catterson  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

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

Luis M. P.,  
Petitioner-Appellant,

M-4589  
Docket No. V23889/09

-against-

Rafael J.,  
(Katherine P. - Deceased),  
Respondents-Respondents.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about July 14, 2010,

And Kao Pin Lew, Esq., Family Court Law Guardian for the subject child, Daylan E. P., having moved for leave to respond, as a poor person, to petitioner-appellant father's aforesaid appeal, and for the assignment of appellate counsel for said child,

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, if and when, appellant files a motion for poor person relief and the assignment of counsel. (See M-4589A, decided simultaneously herewith.)

ENTER:

  
CLERK

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

BEFORE: Hon. Leland G. DeGrasse,  
Justice of the Appellate Division First Department

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

-----  
Luis M. P.,  
Petitioner-Appellant

M-4589A  
Docket No. V23889/09

-against-

Rafael J.,  
(Katherine P. - Deceased),  
Respondents-Respondents.

-----X

An appeal having been taken from the order of the  
Family Court, New York County, entered on or about July 14,  
2010,

And Kao Pin Lew, Esq., Family Court Law Guardian for  
the subject child, Daylan E. P., having moved for a stay of  
petitioner-appellant's visitation,

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. (See M-4589,  
decided simultaneously herewith.)



Dated: New York, New York

\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Associate Justice

Entered: December 14, 2010

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 December 14, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X  
Marvin Wapnitsky,  
Plaintiff-Appellant,

-against-

M-3798  
Index No. 111593/09

Teachers Insurance and Annuity  
Association-College Retirement  
Equities Fund (TIAA-CREF), a  
New York Corporation,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 7, 2010,

And defendant-respondent having moved for an order striking plaintiff's notice of appeal for failure to timely file pursuant to CPLR 5513(a),

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

Ordered that the motion is granted and the appeal is dismissed.

ENTER

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
In the Matter of

Jennifer A. S.,  
also known as Jennifer S.,  
also known as Jennifer I.,  
also known as Jennifer B.,

M-5160  
Docket No. B2780/08

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

- - - - -  
Lutheran Social Services of New York,  
Petitioner-Respondent,

Taina I., also known as Taina B.,  
Respondent-Appellant.

- - - - -  
June Callwood, Esq.,  
Law Guardian for the Child.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about November 6, 2009,

And petitioner-respondent Agency having moved for an order dismissing respondent's appeal for failure to timely perfect,

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

Ordered that the motion is granted and respondent's appeal is dismissed.

ENTER:   
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

Richard Cowan,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-5299  
Index No. 106108/09

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

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 23, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 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 December 14, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Conrad Shih,

Petitioner-Appellant,

-against-

M-5349  
Index No. 106413/09

The Waterfront Commission of  
New York,

Respondent-Respondent.  
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 7, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 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 December 14, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
In the Matter of the Estate of

Charles E. Whipple,

M-5130  
File No. 1255-2009

Deceased.  
-----X

Appellant-beneficiary Wilfredo Lopez having moved for a stay of an order fixing the amount of bond required pending hearing and determination of the appeal taken from the order of the Surrogate's Court, New York County, entered on or about April 6, 2010,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated October 14, 2010, is hereby 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 December 14, 2010.

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

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

-against-

M-4767  
Ind. No. 7709/01

Blaze Strog,  
Defendant-Appellant.

-----X

Assigned counsel having moved to dismiss the appeal from a judgement of **resentence** of the Supreme Court, New York County, rendered on or about June 20, 2008,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2010.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X

In the Matter of

Chartasia Dolores H.,  
also known as Chartasia H.,  
also known as Chartasi H.,

M-4549

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

Docket No. B6017/09

-----  
St. Dominic's Home, et al.,  
Petitioners-Respondents,

Charles H.,  
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about July 14, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 682-2171, 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

---

<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 December 14, 2010.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X  
Ethel McRee,

Plaintiff-Appellant,

-against-

M-5592  
Index No. 301840/07

Sam Trans Corp. et al.,

Defendants-Respondents.  
-----X

Defendant-respondent, Sam Trans Corp., having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 19, 2009, and said appeal having been perfected,

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 December 14, 2010.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. Degrasse  
Nelson S. Román, Justices.

-----X  
CDR Créances S.A.S., as Successor to  
Société de Banque Occidentale,  
Plaintiff-Respondent,

-against-

M-5515  
Index No. 109565/03

Maurice Cohen,  
Defendant-Appellant.

Summerson International Establishment,  
et al.,  
Defendants.

-----X  
CDR Créances S.A.S.,  
Plaintiff-Respondent,

-against-

Index No. 600448/06

Leon Cohen, also known as Leon Levy,  
also known as Leon Levy Cohen,  
also known as Leon Cohen Levy,  
also known as Leon Cohen-Levy,  
also known as Leon Levy-Cohen,  
also known as Levy Cohen,  
also known as Levy Leo Cohen,  
also known as Leo Cohen,  
also known as Levy Cohen Levy,  
also known as Leon Comen;  
Maurice Cohen, also known as Mauricio  
Assor, also known as Mauricio Cohen  
Assor, also known as Maurice Assor;  
Sonia Cohen; Robert Maraboeuf and  
Allegria Achour Aich,  
Defendants-Appellants,

Iderval Holding, Ltd., et al.,  
Defendants.

-----X

An order of this Court having been entered on September 30, 2010 (M-3889/M-3890) consolidating the appeals taken from the orders of the Supreme Court, New York County, entered on or about June 1, 2010 (mot. seq. nos. 30 and 37),

And defendants-appellants having moved for an enlargement of time in which to perfect the consolidated 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 consolidated appeals to on or before January 31, 2011 for the April 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 December 14, 2010.

PRESENT - Hon: John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. Degrasse  
Nelson S. Román, Justices.

-----X  
Molecular Securities,  
Plaintiff-Appellant-Respondent,

-against-

M-5665  
Index No. 602892/08

Tyratech, Inc.,  
Defendant-Respondent-Appellant.  
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 7, 2010 (mot. seq. no. 005),

And defendant-respondent-appellant having moved for an order sealing certain documents in the record on 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 on condition that the movant specifically designate the documents to be filed under seal in this Court. Sua sponte, the time in which to perfect the appeal and cross appeal is enlarged to the April 2011 Term; and the stay previously granted by an order of this Court dated September 21, 2010 (M-4111) is continued on condition the appeal and cross appeal are perfected on or before January 31, 2011 for said April 2011 Term.

ENTER:

  
CLERK

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

BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

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

M-5185  
Ind. No. 1553/98

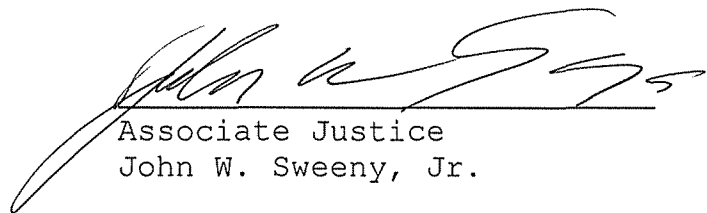
-against-

CERTIFICATE  
DENYING LEAVE

Lionel Piper,  
Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (A. Kirke Bartley, J.), entered on or about July 8, 2010, is hereby denied.



Associate Justice  
John W. Sweeny, Jr.

Dated: November 22, 2010  
New York, New York

ENTERED: December 14, 2010

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

BEFORE: Hon. Sheila Abdus-Salaam  
Justice of the Appellate Division

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

M - 5116  
Ind. Nos. 8468/96,  
8471/96, 8472/96

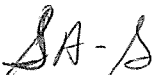
-against-

Jerome Curry,

CERTIFICATE  
DENYING LEAVE

Defendant.  
-----X

I, Sheila Abdus-Salaam, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 24, 2010 is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: November 29, 2010  
New York, New York

Entered: December 14, 2010

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

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

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

M-5147  
Ind. No. 5455/07

-against-


CERTIFICATE  
DENYING LEAVE

Sergio Rodriguez,

Defendant.

-----X

I, Nelson S. Román, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, rendered on or about July 15, 2010 is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: November 29, 2010  
New York, New York

ENTERED: December 14, 2010

PM ORDERS

ENTERED

DECEMBER 14, 2010

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 December 14, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Christopher Henry,  
Plaintiff-Respondent,

-against-

**M-5663**  
Index No. 302635/09

Marisa Soto-Henry,  
Defendant-Appellant.  
-----X

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

And defendant-appellant having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518, staying her eviction from subject marital premises,

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 staying the issuance of any warrant or order of eviction in the related proceeding in Civil Court of the City of New York (L&T Index No. 10N091543) without prejudice to proceedings for use and occupancy in said Civil Court, and on condition defendant perfects the appeal on or before January 31, 2011 for the April 2011 Term. Upon failure to so perfect, plaintiff-respondent may move on notice to vacate the stay.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 14, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----x  
Ramon Brayan, an Infant by Mother and  
Natural Guardian Orquidea del Carmen  
Brito and Orquidea del Carmen Brito,  
Individually,  
Plaintiffs-Respondents,

-against-

M-5819  
Index No. 117234/05

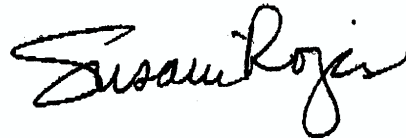
520 West 158 Street Housing Development  
Fund Corporation,  
Defendant-Appellant.  
-----x

Defendant-appellant having moved for a stay of inquest pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about October 19, 2010,

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

It is ordered that the motion is denied.

ENTER:



Clerk