

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 25, 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-

M-136
Index No. 6603/04

Michael Dalton,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 4, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated January 5, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 25, 2010.

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

-----X
Peach Parking Corp.,
Plaintiff,

M-942X

-against-

ACTION NO. 1
Index No. 103096/04

Kinney System, Inc.,
Defendant,

346 West 40th Street, LLC., et al.,
Defendants.

Peach Parking Corp.,
Plaintiff-Respondent,

-against-

ACTION NO. 2
Index No. 603561/08

Kinney System, Inc.,
Defendant-Appellant,

346 West 40th Street, LLC., et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 25, 2009 (mot. seq. no. 016),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 22, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 25, 2010.

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

-----X
In the Matter of the Application to
Confirm an Arbitration Award Under
Article 75 of the CPLR, by

Halachic Organ Donor Society,
Petitioner-Respondent,

M-943X
Index No. 104855/08

-against-

Rachsham Group, Inc.
Respondent-Appellant.

-----X

An appeal having been taken from an amended order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 27, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 23, 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 March 25, 2010.

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

-----X
AXA Equitable Life Insurance Company,
et al.,
Plaintiffs-Respondents,

-against-

M-976X
Index No. 601618/07

Gabriel Epstein,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 27, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 24, 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 March 25, 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-

M-1064
Index No. 4810/08

Dwight Littlejohn,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 31, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated February 22, 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 March 25, 2010.

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

-----X
John R. Carl,
Plaintiff-Appellant-Respondent,

-against-

M-975X
Index No. 117043/06

Joel Cohen, Esq.,
Defendant-Respondent-Appellant,

-and-

Greenberg Traurig, LLP,
Defendant-Respondent.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 10, 2009 (mot. seqs. no. 010, 012),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 24, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 25, 2010.

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

-----X
Lauris Lambert,
Plaintiff-Respondent,

-against-

M-1016
Index No. 100063/07

City Center of Music & Drama, Inc.,
Defendant,

-and-

DCM Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 24, 2009 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, filed February 26, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 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 March 25, 2010.

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

-----X
Arthur Johnson,
Plaintiff-Respondent,

-against-

Eric O. Gonzalez, Laurence Danziger,
Susan M. Danziger,
Defendants-Respondent,

M-1054
Index No. 14722/07

-and-

Tcha D. Ouro-Agrigna and R & R
Taxi Cab Corp.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 8, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated February 12, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 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 March 25, 2010.

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

-----X
Soho House New York LLC,
Plaintiff-Respondent-Appellant,

-against-

M-1082
Index No. 104078/08

2935 Equities LLC,
Defendant-Appellant-Respondent.
-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about March 27, 2009 (mot. seq. no. 002) and an appeal having been taken from the order of said Court entered on our about March 30, 2009 (mot. seq. no. 001), respectively,

And plaintiff having taken a cross appeal from the order of said Court entered on March 27, 2009 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, filed March 2, 2010, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeal, previously perfected for the April 2010 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 March 25, 2010.

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

-----X
Merrill Lynch International
Finance Incorporated,
Plaintiff-Appellant,

-against-

M-1087
Index No. 601175/09

Conway Donaldson,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 7, 2009 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, filed February 23, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 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 March 25, 2010.

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

-----X
Laura Schneider,
Plaintiff,

-against-

M-1116
Index No. 16995/06

Ravinderjit S. Rupal,
Defendant.

-----X
Ravinder S. Rupal,
Third-Party Plaintiff,

-against-

Index No. 85708/07

Richard B. Kochanowicz,
Third-Party Defendant.

-----X
Richard B. Kochanowicz,
Plaintiff-Appellant,

-against-

Index No. 13320/07

Ravinderjit S. Rupal,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 2, 2009,

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

It is ordered that the appeal, previously perfected for the February 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 March 25, 2010.

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

-----x
322 West 57th Owner, LLC,
Petitioner-Landlord-Respondent,

-against-

M-563
Index No. 570020/07

Penhurst Productions, Inc., et al.,
Respondents-Tenants-Appellants.
-----x

An appeal having been taken 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 about November 26, 2008, and said appeal having been perfected,

And petitioner-landlord-respondent having moved for dismissal of the appeal as to tenant Terri McRay, and for vacatur of the order of this Court entered June 23, 2009 (M-2427) which, inter alia, conditionally stayed eviction proceedings pending hearing and determination of the aforesaid appeal, or for alternative relief,

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

It is ordered that the motion is granted, the appeal is dismissed as to tenant Merri McRay, and the appeal is otherwise deemed withdrawn with respect to the other tenants-appellants, and the interim stay of eviction granted by the order of this Court entered June 23, 2009, is vacated.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 25, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Leland G. DeGrasse
Helen E. Freedman
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Dorothy E. Gastman,
Petitioner-Appellant,

For a Judgment, etc.,

M-754
Index No. 100219/08

-against-

Teachers Retirement System of the
City of New York,
Respondent-Respondent.
-----X

Petitioner-appellant having renewed her motion for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 8, 2008 (mot. seq. no. 001), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 25, 2010.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Brianna L.,

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

M-621
Docket No. B463/09

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

Brandon L.,
Respondent-Appellant.

Lisa May, Esq.,
Lawyers for Children, Inc.,
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 October 2, 2009,

And petitioners-respondents having moved for an order dismissing the aforesaid appeal,

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

Ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 25, 2010.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Eugene Nardelli
Sheila Abdus-Salaam, Justices.

-----X
The People of the State of New York
ex rel. Lyndon Roach, also known as
Robert Hanson, also known as Robert
Taylor,

Petitioner,

-against-

Juan Quinones, Warden, Rikers Island,
O.B.C.C.,

Respondent.
-----X

M-552
Index No. 402881/09
Ind. No. 3782/07

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 March 25, 2010.

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

-----x
Coastal Sheet Metal Corp.,
Plaintiff-Respondent,

-against-

RJR Mechanical, Inc., Mid-State Surety
Corporation,
Defendants-Appellants,

M-629
Index No. 400303/06

New York State University Construction
Fund, et al.,
Defendants.

-----x

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about April 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 September 2010 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 March 25, 2010.

Present - Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----x
Theodore Chapman,
Plaintiff-Appellant,

-against-

M-456
Index No. 17822/04

Schindler Elevator Corporation
1345 Fee, LLC, et al.,

Defendants-Respondents.
-----x

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about March 2, 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 September 2010 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 March 25, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

Progressive Preferred Insurance Company,
Petitioner-Appellant,

-against-

M-495
Index No. 260172/09

To stay the arbitration sought to be had by Talia Williams, an infant by her natural guardian, Charlene Williams, Respondents-Respondents,

Esurance Insurance Company and Barbara T. Milan,
Proposed Additional Respondents-Respondents.

-----X

Respondents-respondents having moved for an order dismissing petitioner-appellant's appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 2, 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 to dismiss the appeal is granted unless the appeal is perfected for the September 2010 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondents serve 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 March 25, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Janmarie Spangler Stein-Sapir,

Plaintiff-Appellant,

-against-

M-680
Index No. 35438/71

Leonard Roy Stein-Sapir,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about August 28, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted only to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. 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 March 25, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-661
Ind. No. 5453/07

Lee Coleman,
Defendant-Appellant.

-----X
An order of this Court having been entered on June 2, 2009 (M-1972) 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 October 15, 2008,

And assigned counsel, Steven Banks, 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 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 March 25, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Angela Ruffo Suits and Adam Suits,
Plaintiffs-Respondents,

-against-

M-824
Index No. 18622/06

Wyckoff Heights Medical Center,
Defendant-Appellant,

Wyckoff Emergency Medicine Services,
P.C. and T. Abakporo, M.D.,
Defendants-Appellants.

-----X

Defendant-appellant Wyckoff Heights Medical Center 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 April 20, 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 September 2010 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 March 25, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----x
Emmy Pena, as Administrator of the goods, chattels and credits of the Estate of Carlos R. Pena and Emmy Pena, as Administrator of the Goods, chattels and credits of the Estate of Antonia Pena,
Plaintiff-Appellant,

-against-

M-543
Index No. 27971/01

Pacla Apts., Inc., Park Lane Residence Company, Grenadier Realty Corp., Professional Security Bureau of 1965 Lafayette Avenue, Professional Security Bureau Ltd., Professional Security Investigations, Professional Security Systems,
Defendants-Respondents.

-----x
Plaintiff-appellant administrator Emmy Pena 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 January 16, 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 September 2010 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 March 25, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
John T. Buckley
James M. Catterson, Justices.

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

-against-

M-674
Ind. No. 724/07

Edward Greeman,
Defendant-Appellant.

-----X

Defendant-appellant having moved to relieve assigned counsel or, in the alternative, for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about February 7, 2008, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before July 12, 2010 for the September 2010 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned. 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 March 25, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Karla Moskowitz
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

-against-

M-632
Ind. No. 4076/08

Kip Mobley,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about April 20, 2009, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before July 12, 2010 for the September 2010 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 25, 2010.

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

-----X
Ben Umeze, M.D.,
Plaintiff-Respondent,

-against-

M-750
Index No. 25626/03

Fidelis Care New York, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 7, 2009,

And defendants-appellants having moved to strike certain portions of plaintiff'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, without prejudice to addressing the briefed issue at time of argument 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 March 25, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-113
Ind. No. 244/08

Joel Velez,

Defendant-Appellant.
-----X

Assigned counsel having moved for an order withdrawing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 10, 2008, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of 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 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 March 25, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
John T. Buckley
James M. Catterson, Justices.

-----x
Genevieve Lane Lopresti, Esq.,
Plaintiff-Appellant,

-against-

Rose A. Florio and Gerald Antonacci
as Executors of the Estate of
Theresa Antonacci, deceased,
Defendants-Respondents,

M-5743
Index No. 12170/05
(Nassau County)

-and-

Gerald Antonacci, individually, and
David Antonacci,
Defendants-Respondents,

Dean Hansen, et al.,
Defendants.

-----x

By order of transfer of the Second Judicial Department dated on or about August 2, 2007, plaintiff appeals from the order of the Supreme Court, Nassau County, entered on or about June 22, 2006,

And plaintiff-appellant, Genevieve Lane Lopresti, Esq., having moved for the appointment of Rose A. Florio and defendant Gerald Antonacci as party representatives on behalf of the deceased defendant Teresa Antonacci,

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, as indicated.
(See Appeal Nos. 2480/2481N, 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 March 25, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----x

In the Matter of the Adoption of
a Child Whose First Name is

M-931
Docket No. A-06973/08

Chante

Ethel B.,
Petitioner-Appellant.

-----x

An appeal having purportedly been taken to this Court from the order of the Family Court, New York County, entered on or about February 2, 2009,

And petitioner having moved for an enlargement of time in which to perfect 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 inasmuch as no notice of appeal has been served upon any interested party.

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 March 25, 2010.

Present - Hon. David Friedman, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Dianne T. Renwick, Justices.

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

-against-

M-717
Ind. No. 2525/98

Lamar Baity,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the the order of the Supreme Court, New York County, entered on or about February 3, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with 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 before Judge Obus, if any. 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 March 25, 2010.

Present - Hon. David Friedman, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

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

-against-

M-803
Ind. No. 434/04

Nydia Santiago,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about February 8, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with 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 before Judge Collins, if any. 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 March 25, 2010.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----x
Hector Sanchez,

Plaintiff-Respondent,

-against-

Avuben Realty, LLC,

Defendant-Appellant.
-----x

M-1026
Index No. 16054/06

Defendant-appellant 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 April 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 2010 Term, with special dates. The record and brief are to be served and filed on or before April 5, 2010, the respondent's brief to be served and filed on or before May 5, 2010, and the reply brief, if any, to be served and filed on or before May 14, 2010.

ENTER:


Clerk.

PM ORDERS

ENTERED

MARCH 23, 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 March 23, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. McGuire
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----x
Yuppie Puppy Pet Products, Inc. and
Yuppie Puppy Pet Care, Inc.,
Plaintiffs-Respondents,

-against-

M-591
Index No. 601450/08

Street Smart Realty LLC and
E & S Development and Properties LLC,
Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 17, 2009,

And plaintiffs-respondents having moved for dismissal 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 upon the grounds that it is untimely, without prejudice to further proceedings in Supreme 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 March 23, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of
Mercedes Casado, Paul Hertgen and
New York State Tenants and Neighbors
Coalition, Inc.,
Petitioners-Respondents,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1263
Index No. 402267/08

Marvin Markus, as Chair of the New
York City Rent Guidelines Board
and the New York City Guidelines
Board,
Respondents-Appellants,

-and-

Community Housing Improvement
Program, Inc. and Rent Stabilization
Association of New York City, Inc.,
Amici Curiae.

-----X

An appeal having been taken to this Court by the above-named respondents-appellants from a judgment of the Supreme Court, New York County, entered on or about February 2, 2010,

And Community Housing Improvement Program, Inc. and Rent Stabilization Association of New York City, Inc. having moved for leave to file a brief/leave to appear amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of permitting movants to file 10 copies of a brief amicus curiae forthwith.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 23, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. McGuire
Rolando T. Acosta
Nelson S. Román, Justices.

-----x

Ashley Realty Corp.,
Petitioner-Landlord-Respondent,

-against-

M-884
Index No. 570437/08

Andrew Knight,
Respondent-Tenant-Appellant.

-----x

Respondent-tenant-appellant having moved for a stay of Civil Court holdover proceedings pending hearing and determination of the appeal from the order of the Supreme Court, Appellate Term, First Department entered on or about May 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.

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 March 23, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. McGuire
Sallie Manzanet-Daniels, Justices.

-----X
Benson Park Associates, LLC,
Plaintiff-Respondent,

-against-

M-757
Index No. 102966/08

Alexander Herman,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 15, 2008 (mot. seq. no. 001),

An order of this Court having been entered on December 22, 2009 (M-5581) having granted defendant-appellant a stay of proceedings and related relief,

And plaintiff-respondent having moved for dismissal of the appeal and for vacatur of the aforementioned stay,

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 March 23, 2010.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x

Osugama F. Swezey, etc.,
Petitioner-Respondent,

-against-

Merrill Lynch, Pierce, Fenner & Smith
Incorporated,
Respondent,

M-1175
Index No. 104734/09

-and-

Philippine National Bank, et al.,
Intervenors-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 November 19, 2009 (mot. seq. nos. 001, 002, 003, 004)

And petitioner-respondent having moved for an order enlarging the record on appeal to include to include certain items,

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 petitioner-respondent is directed to immediately file 10 copies of a supplemental record on appeal consisting of exhibits A-E to the moving papers.

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 March 23, 2010.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----x

Parker & Waichman,
Plaintiff-Respondent,

-against-

Paul J. Napoli, Gerald Kaiser; Marc J. Bern; Napoli, Kaiser & Associates, LLP; Napoli, Kaiser & Bern, LLP; Napoli Kaiser & Bern Associates, LLP and Law Offices of Marc Jay Bern, P.C.,
Defendants-Appellants.

M-945
Index No. 605388/01

-----x

Napoli, Kaiser Bern & Associates, LLP on behalf of themselves and on behalf of Clients Allegedly retained by Parker & Waichmen,
Third-Party Plaintiffs,

-against-

Index No. 591271/04

Jerrold Parker, Herbert Waichman, Parker, Waichman, LLP, Jerrold Parker LLP, Herbert Waichman, LLP, Trief & Olk, LLP, Ted Trief,
Third-Party Defendants.

-----x

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about August 11, 2009 (mot. seq. no. 018),

And plaintiff-respondent Parker & Waichman having moved for dismissal of the aforesaid appeal or for alternative relief,

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

It is ordered that the motion is denied without prejudice to plaintiff filing a supplemental record consisting of Exhibit A to the moving papers and plaintiff is directed to serve and file 10 copies of said supplemental record when filing the responding brief. The appeal is adjourned to the June 2010 Term.

ENTER:

A handwritten signature in black ink, reading "David Apolony". The signature is written in a cursive, flowing style with a large initial "D".

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 March 23, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
 Peter Tom
 David Friedman
 James M. McGuire
 Sheila Abdus-Salaam, Justices.

-----x

Jeffrey P. Horowitz,
 Plaintiff-Appellant,

-against-

M-1027
Index No. 350421/06

Helen Speransky,
 Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of divorce of the Supreme Court, New York County, entered on or about June 15, 2009, and said appeal having been perfected,

And defendant-respondent having moved for dismissal of the aforesaid appeal, or for alternative relief,

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

It is ordered that the motion is denied, without prejudice to defendant submitting a supplemental record on appeal that includes, inter alia, relevant portions of the transcripts of the hearing before Special Referee Dershowitz and the affirmation of Philip L. Kamaras dated October 29, 2008 (Exhibit E to the moving papers), and without prejudice to defendant raising objections to said appendix in the responding brief, with costs to abide the event. Sua sponte, the appeal is adjourned to the June 2010 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 March 23, 2010.

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x

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

-against-

M-812
Index No. 117234/05

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

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 2, 2009,

And plaintiffs-respondents having moved for an order dismissing the appeal, or for alternative relief,

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

It is ordered that the motion is denied, without prejudice to plaintiffs-respondents filing a supplemental record on appeal that includes the motion papers underlying the August 6, 2009 order, with costs to abide the event. Sua sponte, the appeal is adjourned to the June 2010 Term.

ENTER:



Clerk