

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----X

In the Matter of a Paternity Proceeding
Under Article 5 of the Family Court Act.

Commissioner of Social Services, on
behalf of Jeannette G.,
Assignor-Respondent,

M-3418
Docket No. P12815/08

-against-

Angel R.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about March 3, 2009,

And Steven N. Feinman, Esq., counsel for appellant, having moved to withdraw the appeal and for related relief,

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid correspondence, and counsel is relieved.

ENTER:


Clerk.

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

-against-

M-3844
Ind. No. 726/08

Christopher Richards,
Defendant-Respondent.

-----X

The People having taken an appeal from the order of the Supreme Court, New York County, entered on or about October 24, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated July 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 26, 2010.

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

-----X
Julia Chang,

Plaintiff-Appellant,

-against-

M-3869X
Index No. 111967/07

The Board of Managers of 325 Fifth Avenue Condominium, et al.,

Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about June 22, 2009 (mot. seq. no. 003), on or about June 23, 2009 (mot. seq. no. 002) and on or about July 23, 2009 (mot. seq. no. 002), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 2, 2010, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----X
Robert E. Kiernan III,

Plaintiff,

-against-

M-3950X
Index No. 601650/06

Balbinder Thiara, et al.,

Defendants.

-----X
Balbinder (BO) Thiara, etc., et al.,
Counterclaim Plaintiff-Respondent,

-against-

Robert Kiernan III, et al.,
Counterclaim Defendants,

Advanced Portfolio Capital Management
LLC,
Counterclaim Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 20, 2010 (mot. seq. no. 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 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 October 26, 2010.

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

-----X
Christopher St. Operating, Inc.,

Plaintiff-Appellant,

-against-

M-3971X
Index No. 603296/08

189 East Third Street Realty, LLC,

Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 25, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 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 October 26, 2010.

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

-----X
Certified of New York, Inc.,

Plaintiff-Appellant,

-against-

140 East 65th Street, LLC,

Defendant-Respondent.

M-4306X
Index No. 650332/07

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 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 October 26, 2010.

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

-----X
Cookie Jar Entertainment Inc.,

Plaintiff-Appellant,

-against-

M-4355X
Index No. 601405/09E

American Greetings Corporation,
et al.,

Defendants-Respondents.

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, both entered on or about November 23, 2009, (mot. seq. nos. 004, 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 25, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----X
Michael Malizia,

Plaintiff-Appellant,

-against-

M-4356X
Index No. 102599/07

Lulu's LLC, individually and doing
business as Club Lotus, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 21, 2010, (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 26, 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 October 26, 2010.

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

-----X
In the Matter of

Nathael A.,

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

Catholic Home Bureau, et al.,
Petitioners-Respondents,

M-4076
Docket No. NN13427/05

Adwoa A., also known as Adwoa M.,
Respondent-Appellant.

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

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about June 11, 2009,

And assigned counsel for respondent-appellant having moved to withdraw 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 appeal is deemed withdrawn.

ENTER:


Clerk.

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

Sharai V.,
Katy C.,
Diana C.
and Maria V.,

M-4166
Docket Nos. NA24899-02/10

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

Commissioner of Social Services,
Petitioner-Respondent,

Carlos V.,
Respondent,

Maria C.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about May 13, 2010,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from respondent-appellant's attorney, The Center for Family Representation (Rebecca Horwitz, of counsel), dated August 13, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----X
Teresa Russell,
Plaintiff-Respondent,

M-3954
-against- Index No. 305353/09

Grandell Nursing Home, Inc.,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 18, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed August 5, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 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 October 26, 2010.

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

-----X
Mona Berkowitz,

Plaintiff-Respondent,

-against-

M-4315
Index No. 114857/08

Marriott Hotel Services, Inc., et al.,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 22, 2010 (mot. seq. no. 004),

Now, upon reading and filing the stipulation of the parties hereto, filed August 24, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 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 October 26, 2010.

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

-----X
Accounting of Morton A. Smith
and Jerome Silverman, as Surviving
Executors of the Estate of Edward
Hyman,
Deceased.

- - - - -
Morton A. Smith and Jerome Silverman, Surrogate's Court
Petitioners-Appellants, File No. 2245/82

-against-

Hall Dickler, LLP,
Respondent-Respondent.

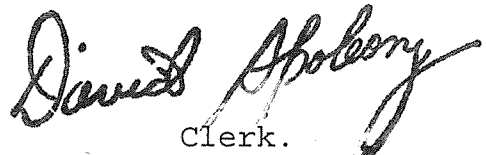
-----X

An appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about July 19, 2007,

Now, upon reading and filing the stipulation of the parties hereto, filed August 17, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 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 October 26, 2010.

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

-----X
Greenwich Capital Financial Products,
Inc.,

Plaintiff-Appellant,

-against-

M-3150
Index No. 600462/08

Metin Negrin,

Defendant-Respondent.
-----X

Defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 1, 2010 (Appeal No. 2946),

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Deutsch, Metz & Deutsch, LLP (Jeremy E. Deutsch, of counsel), counsel for defendant-respondent, dated August 4, 2010, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence, the underlying action having been settled.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----X
Jeffrey L. Richards,

Plaintiff-Respondent,

-against-

M-3753
Index No. 110595/07

Thelma J. Wolfe,

Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, New York County entered on or about July 21, 2010,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Montfort, Healy, McGuire & Salley LLP (Donald S. Neumann, Jr., of counsel), counsel for defendant-appellant dated July 29, 2010, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence, the underlying action having been settled.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----X
Nectaros Iliakostas, as Executor of
the Estate of Evangelia Iliakostas,

Plaintiff-Respondent,

-against-

M-3979
Index No. 6950/02

Issacher Karten, M.D.,

Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of deposition pending hearing and determination of the appeal from the judgment of the Supreme Court, Bronx County, entered on or about June 23, 2010, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 9, 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 October 26, 2010.

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

-----x
Wilmington Trust FSB, etc., et al.,

Plaintiffs,

-against-

M-4748
Index No. 650435/09

Fontainbleau Resorts, LLC, etc.,
et al.,

Defendants.

-----x

Defendants Fontainbleau Resorts, LLC having moved, pursuant to CPLR 5701(c), for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about September 10, 2010 (mot. seq. no. 006),

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Paul, Weiss, Rifkind, Wharton & Garrison LLP (Daniel J. Leffell, of counsel) dated September 28, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----x
Venecia Venturini,

Plaintiff-Respondent,

-against-

M-4075
Index No. 305594/04

August Venturini,

Defendant-Appellant.

-----x

Defendant-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about August 10, 2010, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Stein Riso Mantel, LLP (Kevin M. McDonough, of counsel), counsel for defendant-appellant dated August 17, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Victor Alonzo,
Plaintiff-Respondent,

-against-

M-4164

Safe Harbors of the Hudson Housing
Development Fund Company, Inc., Mountco
Construction and Cornerstone Residence,
L.P.,
Defendants-Appellants.

Index No. 22592/05

- - - - -
Safe Harbors of the Hudson Housing
Development Fund Company, Inc., Mountco
Construction and Development Corp. and
Cornerstone Residence, L.P.,
Third-Party Plaintiffs-Appellants,

-against-

Index No. 86187/07

M & P Construction Inc. and Utica
First Insurance Company, Inc.,
Third-Party Defendants.

- - - - -
[And a Fourth-Party Action]

-----X
Defendants/third-party 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 October 13, 2009,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 22, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
Helen F. Freedman	
Rosalyn H. Richter	
Sallie Manzanet-Daniels	
Nelson S. Román,	Justices.

-----X
Eugene Stolowski, et al.,
Plaintiffs-Respondents,

-against-

234 East 178th Street LLC,
Defendant-Appellant,

M-3921
Index No. 8850/05

-and-

The City of New York,
Defendant-Respondent.

-----X
Defendant-appellant having moved for a stay of deposition pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about July 9, 2010,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Lester Schwab Katz & Dwyer, LLP (John Sandercock, of counsel), dated August 10, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
Helen F. Freedman	
Rosalyn H. Richter	
Sallie Manzanet-Daniels	
Nelson S. Román,	Justices.

-----X
John F. Schutty,

Plaintiff-Appellant,

-against-

M-4045
Index No. 602485/08

Speiser Krause, P.C., et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal from the order of the Supreme Court, New York County entered on or about June 1, 2010 (mot. seq. no. 002),

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Lazare Potter & Giacovas LLP (Robert J. Giacovas, of counsel) counsel for plaintiff-appellant dated August 17, 2010 and due deliberation having been had thereon,

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----X
Tristan Smith, etc., et al.,
Plaintiffs-Appellants,

-against-

M-3641
Index No. 6172/06

The New York City Housing Authority,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 22, 2010 (Appeal Nos. 3113 and 3114),

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
David Friedman, Justices.

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

-against-

M-4295
Ind. No. 6633/01

Anthony Jackson,
Defendant-Appellant.
-----X

A decision and order of this Court having been entered on February 8, 2005 (Appeal No. 3584), unanimously affirming a judgment of the Supreme Court, New York County (Renee White, J.), rendered on November 26, 2002,

And defendant-appellant having renewed his motion, 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 October 26, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Elvio Taveras, et al.,
Plaintiffs-Appellants,

- Ramon Hernandez, et al., M-3212
Plaintiffs, Index No. 104260/06

-against-

General Trading Co., Inc.,
Defendant-Respondent.

-----X

An order of this Court having been entered on August 31, 2010 (M-3263) denying plaintiff-appellant Elvio Taveras's motion for reargument of the decision and order of this Court entered on May 27, 2010 (Appeal No. 2900/2900A/2900B/2900C), and for related relief,

And, plaintiff-appellant having moved for a stay of enforcement of judgment pending hearing and determination of the aforesaid motion,

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

It is ordered that the motion is denied as moot.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Diane T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
Gitta Rott,

Plaintiff-Respondent,

-against-

M-4830
Index No. 110168/05

Negev, LLC, et al.,

Defendants-Appellants.
-----X

Defendant-appellant Negev, LLC having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, New York County entered on or about June 24, 2010 (mot. seq. no. 007),

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

It is ordered that the motion is denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

Present - Hon. Peter Tom,	Justice Presiding,
David B. Saxe,	
James M. Catterson	
Diane T. Renwick	
Leland G. DeGrasse,	Justices.

-----X
Nanjing USA, Inc.,

Plaintiff-Appellant,

-against-

M-4117
Index No. 100500/09

Salvatore LaMonica, as Chapter 7
Trustee of the Block Corporation,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for a stay of enforcement of the judgment of the Supreme Court, New York County entered on or about July 9, 2010, pending hearing and determination of the appeal taken therefrom,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Bartels & Feureisen LLP (Barbara Braun, of counsel) dated September 14, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----X
Gerald Phillipps,

Plaintiff-Respondent,

-against-

M-5018
Index No. 111645/07

New York City Transit Authority, et al.,

Defendants-Appellants.

-----X

Appeals having been taken to this Court from the order of Supreme Court, New York County, entered on or about June 8, 2010, and from the judgment of said Court the entered on or about July 9, 2010, respectively,

And plaintiff-respondent having moved for preference in hearing of the appeal,

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

It is ordered that the motion is granted to the extent of directing defendants-appellants to perfect the appeal on or before December 6, 2010 for the February 2011 Term. The Clerk is directed to calendar the appeal for hearing in said Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Sassi Efrat,

Plaintiff-Appellant,

-against-

M-4131
Index No. 117006/08

NYC Five Inc., et al.,

Defendants-Respondents.

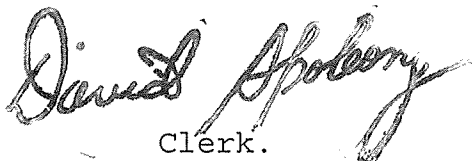
-----X

Plaintiff-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about October 8, 2009, 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 October 26, 2010.

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

-----X
Cornell University, et al.,
Plaintiffs-Respondents,

-against-

M-4765
Index No. 103966/01

Francine Gordon,
Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 17, 2010 (Appeal No. 2399),

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
Nilda Rivera,

Plaintiff-Appellant,

-against-

M-4513
Index No. 302448/07

Bilynn Realty Corp.,

Defendant-Respondent.

-----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 November 24, 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 February 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 October 26, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
Jennifer Baichu, an infant by her
mother and natural guardian, Jean
Baichu,
Plaintiff-Appellant,

-against-

M-4342
Index No. 350506/09

New York City Transit Authority and
Manhattan and Bronx Surface Transit
Operating Authority,
Defendants-Respondents.

-----X
Isaac Baichu,
Plaintiff-Appellant,

-against-

Index No. 306997/09

New York City Transit Authority and
Manhattan and Bronx Surface Transit
Operating Authority,
Defendants-Respondents.

-----X

Plaintiffs in the above actions having moved for consolidation of their appeals each taken from an order of the Supreme Court, Bronx County, entered on or about March 10, 2010,

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

It is ordered that the motion is granted to the extent of permitting appellants to prosecute the consolidated appeals upon 8 copies of one record and of one set of appellants' points covering the appeals.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on October 26, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta, Justices.

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

-against-

M-4292
Ind. No. 4671/08

Deshorn Mullings,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 10, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

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

-against-

M-4721
SCI No. 6775/00

Alexander Castillo,
Defendant-Appellant.

-----X
An order of this Court having been entered on April 1, 2010 (M-602) granting defendant leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about January 29, 2010, **denying resentence**, and assigning Robert S. Dean, 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 Robert S. Dean, 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, the appellate brief previously submitted on behalf of defendant-appellant by Robert S. Dean, Esq., is deemed withdrawn, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----X
Robin Lloyd, as Executor of the
Estate of Eliza L. Moore,
Plaintiff-Appellant,

-against-

St. Vincents Manhattan Hospital,
a division of Saint Vincents
Catholic Medical Centers of New
York, also known as St. Vincents
Medical Center of New York and
K.D. Moore, M.D.,
Defendants,

M-4766
Index No. 124120/02

-and-

Ahmed A. Rawanduzy, M.D. and
Manhattan Neurosurgical Associates,
P.C.,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 23, 2009 (mot. seq. no. 010),

And plaintiff having moved to strike points 2-5 of defendants' 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 adjourning the appeal to the January 2011 Term, the motion is otherwise denied without prejudice to asserting the arguments in the reply brief.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta
Rosalyn H. Richter, Justices.

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

-against-

M-2183
Ind. No. 591/06

Charles R. Johnson,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on July 2, 2009 (Appeal No. 987), unanimously affirming a judgment of the Supreme Court, Bronx County (Troy Webber, J.), rendered on July 19, 2007,

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 October 26, 2010.

PRESENT - Hon. David B. Saxe,
David Friedman
Karla Moskowitz
Helen E. Freedman
Nelson S. Román,

Justice Presiding,

Justices.

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

-against-

M-4170
Ind. No. 3973/08

Noel Diaz,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to
file a notice of appeal from the judgment of the Supreme Court, Bronx
County, rendered on or about July 9, 2010, for leave to prosecute the
appeal as a poor person upon the original record and upon a reproduced
appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is 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 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 pursuant to CPL §210.20, Arts. 710 and 730, and of the
plea or trial and sentence. The Clerk shall furnish a copy of such
transcripts to appellant's counsel, without charge, the transcripts to
be returned to this Court when appellant's brief is filed.

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
James M. McGuire
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

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

M-4228
Ind. Nos. 4078/01
4664/01
6996/01

-----X
Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Eduardo Padro, J.), entered on or about November 17, 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,

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court, and it is further

Ordered that the Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Padro as yet not transcribed. 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.

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on October 26, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
James M. McGuire
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-4440
Ind. No. 3944/08

Antonio Martinez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 5, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

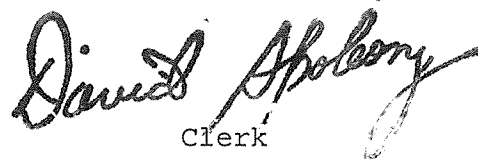
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, 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 9 reproduced copies of such brief, together with the original record, with this Court.

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.

Trial counsel, Labe M. Richman, Esq., is directed to forward to assigned counsel so much of the transcript previously transcribed, whereupon assigned counsel is directed to move for the production of the record as yet not transcribed.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on October 26, 2010.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
James M. McGuire
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-4403
Ind. No. 10540/96

Jerry Quaid,
Defendant-Appellant.

-----X
Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 12, 2010, **denying resentence**, 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.

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on October 26, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Bernard W. Goonewardena,
Petitioner-Appellant,

-against-

M-3991
Index No. 114583/08

State of New York Workers'
Compensation Board,
Defendant-Respondent.
-----X

Petitioner-appellant having moved for an enlargement of time
in which to perfect the appeal from the judgement of the Supreme
Court, New York County, entered on or about October 15, 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.

CORRECTED ORDER - NOVEMBER 1, 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 October 26, 2010.

Present: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
James M. McGuire
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-4457
Ind. No. 4369/09

Russell Harris,
Defendant-Appellant.

-----X

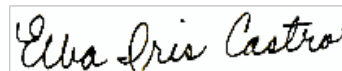
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 24, 2010,

And **Robert S. Dean, Esq.**, assigned counsel for defendant-appellant, having moved for an order directing the unsealing of a certain psychiatric report in possession of the New York County District Attorney and to be provided with a copy of said report,

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 the New York County District Attorney to provide to **Robert S. Dean, Esq.**, a copy of the aforesaid sealed psychiatric report, with leave to counsel to seek to enlarge the record to include said report, if so advised. The aforesaid report is to be returned to this Court no later than the filing of defendant's brief.

ENTER:



Deputy Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----X
Steven D. Loftin,
Plaintiff-Appellant,

-against-

M-4474
Index No. 570500/09

Angel Ortiz, 79 St. Nicholas Pl.
Ltd. Corp.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for 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 about November 9, 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 denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----X
Universal Communications Network, Inc.,
Plaintiff-Appellant,

-against-

M-3787
Index No. 600067/10

229 West 28th Owner, LLC,
Defendant-Respondent,

-and-

Anglo Irish Bank Corporation Limited,
Defendant.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 26, 2010 (mot. seq. no. 006),

And plaintiff-appellant having moved for an order pursuant to CPLR 5518 modifying a Yellowstone injunction issued on May 25, 2010, pending hearing and determination of the aforesaid appeal, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Wilk Auslander LLP (M. William Scherer, of counsel), counsel for plaintiff-appellant, dated August 9, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

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

ex rel. Kara Finck, on behalf of
Debra Williamson,

Petitioner,

M-3914

NYSID 00090136R

Docket Nos. NN19867-71/10

-against-

Doris B. Schriro, Commissioner,
New York City Department of
Corrections, et al.,
Respondent(s).

-----X

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

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Kara R. Finck, Esq., Managing Attorney, The Bronx Defenders, counsel for petitioner dated August 16, 2010, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on October 26, 2010.

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

-----X
Brandi McCants, as Administratrix of
the Estate of Albertha McCants, also
known as Alma McCants,
Plaintiff-Appellant,

M-4378
M-4435
Index No. 24711/06

-against-

Beth Abraham Health Services,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved, by duplicate motions, for
an enlargement of time in which to perfect the appeal from the
order of the Supreme Court, Bronx County, entered on or about
November 9, 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 motions are granted to the extent of
enlarging the time in which to perfect the appeal to the March
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 October 26, 2010.

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

-----X

BDO USA, LLP,

Petitioner-Appellant,

-against-

M-4764

Index No. 601279/10

Denis M. Field,

Respondent-Respondent.

-----X

An appeal having been taken to this Court from orders of the Supreme Court, New York County entered on or about July 13, 2010 (mot. seq. nos. 001, 002), and said appeal having been perfected,

And an order of this Court having been entered on September 7, 2010 (M-3720), inter alia, granting a stay of certain proceedings on condition the appeal be perfected for the December 2010 Term,

And respondent-respondent having moved for reargument of the order entered on September 7, 2010 (M-3720), and upon reargument vacating the stay provision of said order, or 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 directing the Clerk to calendar the appeal for hearing in the first week of the December 2010 Term, and the motion is otherwise denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen F. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Michael Mulgrew, as President of the
United Federation of Teachers,
Local 2, et al.,
Petitioners-Respondents,

-against-

M-4105
Index No. 260000/10

Board of Education of the City School
District of the City of New York,
et al.,
Respondents-Appellants.

-----X
Municipal respondents having moved for leave to appeal to this Court from the order of the Supreme Court, Bronx County, entered on or about July 29, 2010, and for a stay of proceedings pending hearing and determination of the appeal taken therefrom,

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

It is ordered that so much of the motion which seeks leave to appeal is granted. So much of the motion which seeks a stay of proceedings is granted on condition that the appeal is perfected for the February 2011 Term, for which Term appellants are directed to so perfect.

ENTER:


Clerk

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

BEFORE: Hon. Dianne T. Renwick
Justice of the Appellate Division

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

Plaintiff,

-against-

Joseph McGowan,

Defendant.

-----X

M- 4658
Ind. No. 1259/96

CERTIFICATE
DENYING LEAVE

I, Dianne T. Renwick, 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 May 20, 2010, is hereby denied.



Hon. Dianne T. Renwick
Associate Justice

Dated: OCT 22 2010
New York, New York

ENTERED: OCT 26 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
In the Matter of

Michael P. O. S.,
Petitioner-Appellant,

-against-

M-4110
Docket No. F-25867-09/09C

Beth Judy K.,
Respondent-Respondent.

-----X

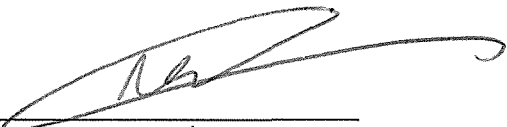
Petitioner-appellant having moved for a stay of the order of the Family Court, New York County, entered on or about July 23, 2010, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted.

Dated: New York, New York

OCT 20 2010



Nelson S. Román
Associate Justice

Entered: OCT 26 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 October 26, 2010.

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

-----x

In the Matter of Kelechi Bernard Amasike,
an attorney and counselor-at-law:

Departmental Disciplinary Committee,	M-3539
for the First Judicial Department,	
Petitioner,	

Kelechi Bernard Amasike
(OCA Atty. Reg. No. 2865137),
Respondent.

-----x

The Departmental Disciplinary Committee for the First Judicial Department, by Alan W. Friedberg, its Chief Counsel (Joseph J. Hester, of counsel), having moved this Court on August 16, 2010, for an order pursuant to 22 NYCRR 603.4(e)(1)(i)(ii) and (iii), immediately suspending respondent (who was admitted to practice as an attorney and counselor-at-law in the State of New York at a Term of the Appellate Division of the Supreme Court for the Second Judicial Department on February 25, 1998), from the practice of law in the State of New York, based upon willful failure to cooperate with the Committee in its investigation of allegations of professional misconduct, his admission under oath of misuse of his attorney escrow account, and other uncontested evidence of professional misconduct immediately threatening the public interest,

And respondent having failed to appear herein and having failed to interpose a response to the motion,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, and upon the Opinion Per Curiam filed herein, it is unanimously,

Ordered that the motion is granted and respondent is suspended from the practice of law in the State of New York, effective immediately, until such time as disciplinary matters pending before the Committee have been concluded and until further order of this Court, and it is further,

Ordered that respondent is commanded to desist and refrain from the practice of law in any form, either as principal or agent, clerk or employee of another; that respondent is forbidden to appear as an attorney or counselor-at-law before any court, judge, justice, board or commission or other public authority; that respondent is forbidden to give another an opinion as to the law or its application or advice in relation thereto, all effective the date hereof, until such time as disciplinary matters pending before the Committee have been concluded and until further order of this Court. Respondent is directed to fully comply with the provisions of Title 22, Section 603.13, of the Rules of this Court, a copy of which is annexed hereto and made a part hereof.

ENTER:

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

Clerk

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

OCT 26 2010

Leland G. DeGrasse,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román,

Justice Presiding,

Justices.

-----X

In the Matter of Kelechi Bernard Amasike,
an attorney and counselor-at-law:

Departmental Disciplinary Committee
for the First Judicial Department,
Petitioner,

M-3539

Kelechi Bernard Amasike,
Respondent.

-----X

Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent, Kelechi Bernard Amasike, was admitted to the Bar
of the State of New York at a Term of the Appellate Division
of the Supreme Court for the Second Judicial Department on
February 25, 1998.

Alan W. Friedberg, Chief Counsel, Departmental
Disciplinary Committee, New York
(Joseph J. Hester, of counsel), for petitioner.

Respondent pro se.

M-3539 - August 16, 2010

IN THE MATTER OF KELECHI BERNARD AMASIKE - AN ATTORNEY

PER CURIAM

Respondent, Kelechi Bernard Amasike, was admitted to the practice of law in the State of New York by the Second Judicial Department on February 25, 1998. At all times relevant to this proceeding, respondent has maintained a law office within the First Judicial Department.

The Departmental Disciplinary Committee moves for an order pursuant to 22 NYCRR 603.4(e)(1)(i), (ii) and (iii) immediately suspending respondent from the practice of law until further order of this Court based upon his failure to comply with lawful demands of the Committee made in connection with its investigation of complaints filed against respondent alleging professional misconduct, respondent's substantial admission under oath that he has committed acts of professional misconduct and uncontested evidence of professional misconduct.

In May 2007, the Committee began a sua sponte investigation upon being advised by the Lawyers' Fund for Client Protection that a check drawn on the escrow account of respondent's firm had been dishonored for insufficient funds. The Committee notified respondent by letter that it had initiated an investigation and directed him to provide a written explanation of the check's dishonor within 20 days after receipt of the letter. Respondent

did not answer the letter within the time allotted and the Committee sent him two more letters reminding him of his failure to answer and directing him to contact the Committee. On December 17, 2007, the Committee had respondent served with a subpoena directing him to appear for a deposition. The subpoena required respondent to bring to the deposition documents and records showing, among other things, the sources of funds deposited into the escrow account as well as the names of all persons to whom such funds were disbursed. The Committee acceded to respondent's request for an adjournment on condition that he produce the required documents and records. Although respondent provided the Committee with some documents, the required information pertaining to the sources of the deposits and the identity of the payees was never produced. At his March 2008 deposition, respondent testified that he managed the escrow account and used it as his operating account although it contained clients funds as well as his own. Respondent also testified that he withdrew funds from the escrow account by using automated teller machines and wire transfers.

Between June 2008 and August 2009, seven of respondent's clients filed complaints of professional misconduct against him. Obiozor Anazonwu alleged that respondent failed to communicate with him and inform him of the status of his personal injury matter. In his answer, respondent did not refute the substance

of Anazonwu's complaint claiming that he "did not have [his] file to answer to the client's complaint paragraph by paragraph."

Twana N. Deas-Lewis, another client, complained that respondent stopped communicating with her and abandoned her personal injury action which stemmed from an automobile accident. Upon her own inspection of court records, Deas-Lewis discovered that a default judgment in the amount of \$250,000 had been entered in her favor. Deas-Lewis reported that she had to engage other counsel to enforce the judgment. Without addressing the merits of Deas-Lewis's complaint of neglect, lack of communication and abandonment, respondent simply informed the Committee that he had "handed over" his file to an unnamed colleague.

The Committee received similar complaints of neglect and abandonment of matters from other personal injury clients, namely Robson Ozobia, William Baffour-Gyan and Felicia Akosa. Respondent's answers to these complaints also fail to address the substance of the clients' allegations. Aloysius Emiga, another client, complained to the Committee that respondent had failed to communicate with him with respect to a collection matter. To date, respondent's only answer to the complaint is an assertion that he would welcome the opportunity to review his file and submit requisite documents. Respondent has failed to file any answer with respect a second complaint by Arthur L. Clarke,

another client, who alleged that respondent has failed to communicate with him with respect to his case. In addition to the foregoing, the Committee has submitted evidence that respondent has failed to keep his registration with the Office of Court Administration (OCA) current.

Immediate suspension on an interim basis is appropriate where, as here, there is uncontested evidence of professional misconduct (22 NYCRR 603.4[e][1][iii]); *Matter of Benzing*, 43 AD3d 163 [2007]). The Committee has presented uncontested evidence that respondent has neglected legal matters entrusted to him in violation of DR 6-101(A)(3) [now RPC 1.3(b)]. Such immediate suspension is also appropriate where an attorney has made a substantial admission under oath that he or she has committed an act or acts of professional misconduct (22 NYCRR 603.4[e][1][ii]. In this regard, the Committee has submitted evidence that respondent has admitted under oath that he commingled his clients' funds with his own in violation of DR 9-102 [now RPC 1.15]. Moreover, respondent's failure to keep his registration with OCA current serves as an independent basis for an immediate suspension on an interim basis (see *Matter of Auslander*, 74 AD3d 93 [2010]).

Accordingly, the motion pursuant to 22 NYCRR 603.4(e)(i), (ii) and (iii) should be granted and respondent suspended from the practice of law, effective immediately, and until such time as the disciplinary proceedings against respondent are concluded and until further order of this Court.

All concur.

Order filed.

PM ORDERS

ENTERED

OCTOBER 21, 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 October 21, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Super Nova 330, LLC,
Plaintiff-Appellant,

-against-

M-4351
Index No. 117155/07

Municipal Partners, LLC and
Brian Kelly,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 23, 2009 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 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 October 21, 2010.

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

-----x

Matthew Koziarz,
Plaintiff-Respondent,

-against-

New York City Transit Authority, et al., M-4744
Defendants-Appellants, Index No. 108637/03

-and-

Manhattan and Bronx Surface Transit
Operating Authority,
Defendant.

-----x

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 18, 2010 (mot. seq. no. 005),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated October 18, 2010, and due deliberation having been had thereon,

It is ordered that the motion is granted on condition that said appeal is perfected for the March 2011 Term.

ENTER:

A handwritten signature in black ink, appearing to read "David Apolony". The signature is written in a cursive, flowing style with a long, sweeping underline.

Clerk

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on October 21, 2010.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Diane T. Renwick
Sallie Manzanet-Daniels, Justices.

-----x
Cynthia Olivaria, et al., etc.,
Plaintiffs-Respondents,

-against-

Lin & Son Realty Corp., M-4475
Defendant-Appellant, M-4480
Index No. 7492/02

-and-

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

-----x

An appeal having been taken to this Court from the order of the
Supreme Court, Bronx County, entered on or about February 5, 2010,

And defendant-appellant having moved for a stay of enforcement of
a money judgment pending hearing and determination of the aforesaid
appeal (M-4475),

And plaintiffs-respondents having cross-moved for sanctions and
the imposition of attorneys fees against defendant-appellant (M-4480),

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

It is ordered that the motion is granted on condition the appeal
is perfected for the January 2011 Term with special dates. Appellant's
brief to be served and filed on or before November 15, 2010.
Respondent's brief to be filed on or before December 15, 2010 and the
reply brief, if any, to be served and filed on or before December 27,
2010 for said Term. The cross motion (M-4480) is denied.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2010.

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

-----x

Jennifer Peck Barnett,
Plaintiff-Appellant,

-against-

M-4816

M-4965

Index No. 350337/04

Craig Barnett,
Defendant-Respondent.

-----x

An order of this Court having been entered on September 14, 2010 (M-3522), deeming plaintiff's motion as one for leave to appeal to this Court and for related relief, and granting said application,

And a further order of this Court having been entered on September 14, 2010 (M-3522A/M-3766), inter alia granting plaintiff-appellant a stay of the interim order of the Supreme Court, New York County entered on or about July 9, 2010, on condition the appeal be perfected for the December 2010 Term,

And plaintiff-appellant having moved for an order enlarging the record on appeal or, in the alternative, for a continued stay on condition the appeal be perfected for the January 2011 Term (M-4816),

And defendant-respondent having cross-moved for dismissal of the appeal (M-4965),

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

It is ordered that the motion (M-4816) is granted on condition the appeal is perfected for the January 2011 Term, with special dates. The record and brief are to be served and filed on or before November 15, 2010, the respondent's brief to be served and filed on or before December 15, 2010, and the reply

brief, if any, to be served and filed on or before December 27, 2010 for said Term. The record on appeal is enlarged to include exhibits D, E, and F to the moving papers. The cross motion is denied, without prejudice to defendant raising the issue directly on the appeal.

ENTER:

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

Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
The United States Life Insurance
Company in the City of New York,
Plaintiff-Respondent,

-against-

M-4413
Index No. 600550/07

Lazar Grunhut, Trustee of Piri
Grunhut 2004 B Irrevocable Life
Insurance Trust and Piri Grunhut,
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 September 29, 2009 (mot. seq. no. 012),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 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 October 21, 2010.

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

-----X

Estate of Gertrude Steingart, Diane
Steingart as Personal Representative,
Plaintiff-Respondent,

M-4601

Index No. 120875/03

-against-

Barbara Hoffman,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 17, 2010,

And defendant-appellant having moved for an order striking plaintiff-respondent's brief and for the imposition of certain sanctions against plaintiff-respondent,

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 plaintiff-respondent to physically excise Point IV of the Respondent's brief as well as Pages 14 through 20 of the Respondent's Appendix, correct the respective table of contents to reflect said deletions and the motion is otherwise denied without prejudice to defendant raising her objections and request for the imposition of certain sanctions against plaintiff-respondent at the time of argument. The Clerk is directed to maintain said appeal on the Court's calendar for hearing in the December 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 October 21, 2010.

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

-----X
Matthew DeVine, as Administrator of
the Estate of Thomas DeVine, Deceased,
Plaintiff,

-against-

M-4831
Index No. 104375/07

Saad Hacking Corp. and Mohsin Syed,
Defendants.
-----X

Defendants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 21, 2010,

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

It is ordered that the motion is granted.

ENTER:

A handwritten signature in black ink, appearing to read "David Apolony", written in a cursive style.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2010.

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

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

The People of the State of New York,
ex rel. Dominic Larocco,
Petitioner,

M-3966
Index No. 341142/09

For a Judgment Pursuant to Article
78 of the CPLR,

-against-

Warden, Rikers Island and New York
State Division of Parole,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, Bronx County, entered on or about May 18, 2010,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for the assignment of counsel,

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

It is ordered that the motion is granted to the extent of permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the Attorney General of the State of New York and files 8 reproduced copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

Pursuant to Section 35 of the Judiciary Law, Steven
Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York
10601, Telephone No. (914) 949-8214, is assigned as counsel for
appellant for purposes of the appeal. Counsel is directed to
perfect the appeal in accordance with Rule 600.18 of this Court.

ENTER:

A handwritten signature in black ink, appearing to read "David Apolony". The signature is written in a cursive, flowing style with a long, sweeping tail.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2010.

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

-----X

In the Matter of the Application of
Daniel Z. Rapoport and Richard Nadelman,
executors of the Estate of Boris Lurie,
Petitioners-Respondents,

for a determination as to the validity,
construction and effect of the Last
Will and Testament of

M-4090
Index No. 666/08

Boris Lurie,
Deceased,

American Friends of New Communities
of Israel, Inc. (AFNCI), Amana and
Organization for Assistance and
Rehabilitation of the Refugees from
Gush Katif and Northern Shomron
(Gush Katif),
Proposed Intervenor-Appellants,

Attorney General of the State of
New York,
Respondent.

-----X

An appeal having been taken from a decree of the Surrogates Court, New York County, entered on or about May 10, 2010,

And proposed intervenors-appellants having moved to enlarge the record on appeal consisting of a subsequent petition and papers related thereto annexed as exhibits C through G inclusive to the moving papers,

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.

PM ORDERS

ENTERED

OCTOBER 26, 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 October 26, 2010.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Eugene Nardelli
James M. McGuire
Rosalyn H. Richter, Justices.

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

-against-

M-4308
Ind. No. 6225/86

Rene Rodriguez,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 7, 1989 (Appeal No. 38456), unanimously affirming a judgment of the Supreme Court, New York County (Murray Mogel, J.), rendered on August 20, 1987,

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 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 said application is denied.

ENTER:

A handwritten signature in black ink, appearing to read "David Apolony". The signature is written in a cursive, flowing style.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

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

-against-

Efrain Garcia,
Defendant-Appellant.

M-4585
Ind. Nos. 5442/98
6071/98
2002/99

-----X

An order of this Court (M-6425) having been entered February 6, 2003, dismissing the appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about May 6, 1999,

And counsel for defendant-appellant having moved for an order reinstating 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 October 26, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

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

James Pettus,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

M-3390
Index No. 6117/02

-against-

Hon. Ruth Pickholz,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 24, 2010, to review a determination of respondent,

And petitioner having moved to have respondent removed from the New York State Supreme Court, reversal of respondent's decisions and for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner'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; the Article 78 proceeding dismissed and leave to prosecute the proceeding as a poor person is denied as academic.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

-----X
Helene Krentzel and Jack Krentzel,
Plaintiffs-Appellants,

-against-

The City of New York, Consolidated Edison
Company of New York, Inc., Empire City
Subway Company and Felix Equities, Inc.,
and Nico Asphalt Paving, Inc.
Defendants-Respondents.

M-4178

M-4383

M-4401

Index No. 115406/01

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered September 3, 2009,

And defendant-respondent Nico Asphalt Paving, Inc. having moved (M-4178) for dismissal of the aforesaid appeal,

And defendant Consolidated Edison Company of New York, Inc. having cross moved (M-4383) for the same relief,

And defendant Empire City Subway Company having cross moved (M-4401) for the same 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 motions (M-4178/M-4383/M-4401) are 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 October 26, 2010.

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

-----X
Danny Rivera,
Plaintiff-Appellant,

-against-

M-4616
Index No. 23744/99

Dennis Ayala, et al.,
Defendants-Respondents.
-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 9, 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 October 26, 2010.

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

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

-against-

M-3572
Ind. No. 6828/98

LaDale Kennedy,
Defendant-Appellant.
-----X

A decision and order of this Court having been entered on May 28, 2002 (Appeal No. 1202), unanimously affirming a judgment of the Supreme Court, Bronx County (John Moore, J.), rendered on March 7, 2000,

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:

A handwritten signature in black ink, appearing to read "David Appabony". The signature is written in a cursive, flowing style.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Eugene Nardelli
James M. McGuire
Karla Moskowitz, Justices.

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

-against-

M-4181
SCI. No. 1475/03

Corey Gamble,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 22, 2010 (Appeal No. 2607) unanimously affirming the judgment of the Supreme Court, Bronx County, rendered on or about November 19, 2004,

And defendant having moved for reconsideration of the aforesaid decision and order 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 denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
New York University,
Plaintiff-Appellant,

-against-

National Continental Insurance Company, M-4364
Defendant-Respondent, Index No. 603743/09

Arma Scrap Metal Co., Inc., Northfield
Insurance Company, National Union Fire
Insurance Company, PA, Glen Hamer and
Denise Hamer,
Defendants.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 11, 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 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 October 26, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Sidney Purdie,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4385
Index No. 4732/05

Dale Artus, Superintendent, Clinton
Correctional Facility and Brian
Fischer, Commissioner of Department
of Correctional Services,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the proceeding in which petitioner purports to challenge the judgment of the Supreme Court, New York County, rendered on or about June 1, 2006, and for leave to have the proceeding heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is denied and, *sua sponte*, the proceeding is dismissed as academic.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on October 26, 2010.

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

-----X
Alamin O. Hassan, also known as
Alamin Hassan O.,
Plaintiff-Appellant,

-against-

M-4566
Index No. 400669/07

Moran ID No. 906866 and New York City,
Defendants-Respondents.

-----X

An order of this Court (M-162) having been entered on
March 5, 2009 denying plaintiff-appellant's motion for an
enlargement of time in which to perfect the appeal taken from the
order of the Supreme Court, New York County, entered on or about
June 12, 2007 (mot. seq. no. 001), and dismissing the appeal,

And plaintiff-appellant having moved for reargument of the
aforesaid order (M-162),

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

Ordered that the motion is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Rolando T. Acosta
Dianne T. Renwick
Nelson S. Román, Justices.

-----X
Elena Strujan,
Plaintiff-Appellant,

-against-

M-4629
Index No. 406368/07

Rainbow Ace Hardware, et al.,
Defendants-Respondents.

-----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 September 9, 2009 (mot. seq. no. 004), and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

Ordered that the motion is denied, and *sua sponte* 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 October 26, 2010.

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

-----X
Gilbert Lau,

Plaintiff-Appellant,

-against-

S&M Enterprises, et al.,

Defendants-Respondents.

-----X

M-2703

M-2704

Index No. 120300/03

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on April 13, 2010 (Appeal Nos. 2536 and 2536A) [M-2703],

And plaintiff-appellant having moved for a waiver of fees on the instant motion and for related relief [M-2704],

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

It is ordered that the motion [M-2704] is granted to the extent of dispensing with the fees associated with the instant motion and otherwise denied. Plaintiff's motion for reargument is denied [M-2703].

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen F. Freedman
Rosalyn H. Richter
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

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

Alaire K. G.,
Petitioner-Respondent,

-against-

M-3697
Docket Nos.
V28926-08/08A

Anthony P. G.,
Respondent-Appellant.
- - - - -

LaShonne Watts, Esq.,
Children's Law Center,
Law Guardian for the Child.
-----x

An appeal having been taken to this Court by respondent from the order of the Family Court, Bronx County, entered on or about July 9, 2010, and said appeal having been perfected,

And respondent-appellant father having moved for a stay of custody transfer pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X

Patriot Exploration, LLC, et al.,
Plaintiffs-Respondents,

-against-

M-4402
Index No. 114436/08

Thompson & Knight LLP,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 27, 2010 (Appeal No. 2540),

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

It is ordered that the motion, to the extent it seeks reargument, is denied. The motion, to the extent it seeks leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of Supreme Court, as affirmed by the order this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:

A handwritten signature in black ink, appearing to read "David Apolony". The signature is written in a cursive, flowing style.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

Present - Hon. David B. Saxe, Justice Presiding,
David Friedman
Karla Moskowitz
Helen F. Freedman
Nelson S. Román, Justices.

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

Miriam Q.,

Petitioner-Appellant,

-against-

M-4305
Docket Nos. V-19129/09
V-31337/09

Walter D.-L.,

Respondent-Respondent.

-----X
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of custody and visitation of the Family Court, Bronx County, entered on or about July 7, 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 denied, the appeal having been taken from a non-appealable order.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----x
The People of the State of New York,
ex rel. Michelle Fox, on behalf of
Robert Wells,
Petitioner-Appellant,

-against-

M-3945
Index No. 401942/10

Dora Schriro, etc., et al.,
Respondents-Respondents.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County entered on or about July 29, 2010, which denied petitioner's writ of habeas corpus,

And an order of a Justice of this Court having been entered on August 4, 2010, inter alia, releasing petitioner on his own recognizance and for an order expediting the aforesaid appeal,

And petitioner having moved for an order continuing the interim relief granted by the order of a Justice of this Court on August 4, 2010, and for poor person relief on the appeal,

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

It is ordered that the motion is granted to the extent of continuing the interim relief granted by the order of a Justice of this Court on August 4, 2010 on condition the appeal is perfected for the March 2011 Term, and it is further

Ordered that poor person relief is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files 10 reproduced copies of such brief, together with the original record, with this Court.

Pursuant to Section 35 of the Judiciary Law, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for petitioner-appellant for purposes of the appeal. Counsel is directed to perfect the appeal in accordance with Rule 600.18 of the Rules of this Court.

ENTER:

A handwritten signature in black ink, reading "David Apokony". The signature is written in a cursive, flowing style with a long, sweeping tail on the last name.

Clerk

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on October 26, 2010.

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

-----X
In re Myisha B.,

A Dependent Child Under 18 Years of
Age, etc.,

Darryl B.,
Respondent-Appellant,

M-3328
Docket No. NA290/08

Administration for Children's
Services,
Petitioner-Respondent.

-----X

Respondent-appellant having moved for leave to appeal to
the Court of Appeals from the decision and order of this Court
entered on May 25, 2010 (Appeal Nos. 2877 and 2878), and for
poor person relief and the assignment of counsel to pursue said
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 October 26, 2010.

Present - Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Diane T. Renwick
Helen F. Freedman
Nelson S. Román, Justices.

-----X

Jay Mitchell Bauman, M.D.,
Plaintiff-Appellant-Respondent,

-against-

M-3026

Index No. 102293/08

The Mount Sinai Hospital, et al.,
Defendants-Respondents-Appellants.

-----X

Defendants-respondents-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 15, 2010 (Appeal No. 2253),

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

It is ordered that the motion is denied.

ENTER:

A handwritten signature in black ink, appearing to read "David Apokony". The signature is written in a cursive, flowing style.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
 Peter Tom
 Diane T. Renwick
 Leland G. DeGrasse
 Sheila Abdus-Salaam, Justices.

-----x

Weiser LLP,

Plaintiff-Appellant,

-against-

M-4569

M-4641

Jeffrey S. Coopersmith, et al.,

Index No. 601805/05

Defendants-Respondents.

-----x

Defendants-respondents having moved, pursuant to CPLR 5512(a), for dismissal of the purported appeal from a judgment of the Supreme Court, New York County entered on or about September 15, 2009, or for alternative relief (M-4569),

And plaintiff-appellant having cross-moved for an order recognizing a stay of a money judgment, pursuant to CPLR 5519(a)(2), pending hearing and determination of the aforesaid appeal (M-4641),

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

It is ordered that the motion is granted to the extent of dismissing the purported appeal, and the motion is otherwise denied. The cross motion is denied.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----X
In the Matter of the Application of
Jacqueline Hernandez,
Petitioner,

For a Judgment Pursuant to Article 78
of the Civil Practice law and Rules, Index No. 113674/08

M-3780

M-4260

-against-

New York City Housing Authority,
Respondent.
-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 11, 2009,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's brief, and for an enlargement of time in which to perfect said proceeding (M-3780),

And respondent having cross-moved to dismiss the aforesaid proceeding (M-4260),

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 respondent's cross motion is granted and the proceeding dismissed. Petitioner's motion is denied, as academic.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 26, 2010.

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

-----X
Success, LLC, R&D Films, Inc. and Ethan
Goldman,
Plaintiffs-Respondents,

Bad Company Films and Aldola LaPietra,
Plaintiffs-Respondents,

-against-

Stonehenge Capital Company, LLC,
Defendant-Appellant,

M-3978

M-4139

M-4258

Index No. 117138/06

W. Stephen Keller,
Defendant-Appellant,

Alan Brown, et al.,
Defendants-Respondents,

John Doe, Inc., etc., et al.,
Defendants.

-----X

Plaintiffs-respondents, Success, LLC, R&D Films, Inc. and Ethan Goldman, having moved (M-3978) for an adjournment of the consolidated perfected appeals taken by the respective appellants from the order of the Supreme Court, New York County, entered on or about February 23, 2010 (mot. seq. nos. 005, 006),

And aforesaid plaintiffs-respondents having moved (M-4139) for leave to file a late notice of cross appeal from the aforesaid order of the Supreme Court, New York County entered on or about February 23, 2010,

And defendants-appellants having cross-moved (M-4258) for a stay of all proceedings including trial pending hearing and determination of the aforesaid consolidated appeals,

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

Ordered that defendants' cross motion (M-4258) is granted only to the extent of staying trial proceedings. The stay does not extend to mediation or settlement conference(s) or other proceedings in Supreme Court. Plaintiffs' motion (M-4139) to file a late notice of cross appeal is denied. Plaintiffs' motion (M-3978) for an adjournment of the consolidated appeals is granted to the extent of adjourning the appeals to the December 2010 Term. Respondents' briefs to be served and filed on or before November 10, 2010. Appellants' reply brief(s) to be served and filed on or before November 19, 2010.

ENTER:

A handwritten signature in black ink, appearing to read "David Apokony". The signature is written in a cursive, flowing style with a long, sweeping underline.

Clerk.