

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
Jeffrey Newman,  
Plaintiff-Respondent,

-against-

M-5910X  
Index No. 115009/07

20th & Seventh Associates, LLC,  
et al.,  
Defendants-Appellants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 30, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
Pedro Morente,  
Plaintiff-Respondent,

-against-

M-5911X  
Index No. 107656/06

39-25 21st Street, LLC, et al.,  
Defendants-Appellants,

Perimeter Bridge & Scaffolding Co.,  
Inc.,  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 7, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 29, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 January 4, 2011.

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

-----X  
Aurora Caruso,  
Plaintiff-Respondent,

-against-

M-5913X  
Index No. 109397/08

5 Times Square Operating, Inc.  
Defendant,

5 Time Square Development LLC and  
42<sup>nd</sup> St. Development Project, Inc.,  
Defendants-Appellants.

-----X  
(And a third-party action.)

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 5, 2010 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 29, 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 January 4, 2011.

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

-----X  
Opus Trading Fund, LLC,

Plaintiff-Appellant,

-against-

Andrew Quartin, et al.,

Defendants-Respondents.  
-----X

M-5921  
Ind. No. 602770/09

An appeal having been taken from the order the Supreme Court, New York County, entered on or about September 17, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated November 11, 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 January 4, 2011.

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

-----X  
Claudette Chambers,

Plaintiff-Respondent,

-against-

M-6017X  
Index No. 301819/08

US Royal Transit Inc. and Tom Arafat,

Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 3, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 6, 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 January 4, 2011.

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

-----X  
Best Buy Co., Inc., Yuco Real Estate  
Company, Inc., Schimenti Construction  
Company, LLC and Transcontinental  
Insurance Company,  
Plaintiffs-Appellants-Respondents,

-against-

M-5942  
Index No. 600781/06

Sage Electrical Contracting, Inc.,  
Defendant,

Utica National Insurance Company,  
Defendant-Respondent-Appellant.

-----X  
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 28, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated November 30, 2010, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the September 2010 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
Alegra C. Brown,  
Plaintiff-Respondent,

-against-

Juan Matos, et al.,  
Defendants-Appellants,

M-5919  
Index No. 23594/06

-and-

Road Runner Cab Corp., et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 17, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated November 18, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 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 January 4, 2011.

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

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

-against-

M-5464  
Ind. No. 456N/09

Janaqual Ashaqua,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 26, 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, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

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

-against-

M-5452  
Ind. No. 4803/09

Andy Cepeda,  
Defendant-Appellant.

-----X

An order of this Court having been entered on July 27, 2010 (M-3234) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 5, 2010, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
Joel Meyers,  
Plaintiff-Appellant,

-against-

M-5240  
Index No. 401606/10

Southbridge Towers, Inc.,  
Defendant-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 9, 2010,

And, plaintiff-appellant having moved for relief in the nature of a preliminary appellate injunction restoring plaintiff to possession of Apartment 13 L located within the Southbridge Towers at 100 Beekman Street, New York, New York, pending hearing and determination of the aforesaid appeal, and for related relief,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court, dated October 21, 2010, is vacated.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
Francisco Betancourt and the Estate of  
Benjamin Fernandez, deceased, by the  
executor of his estate, Margaret  
Whitehead,

Plaintiffs-Respondents,

M-5493

Index No. 302747/09

-against-

Grocery Haulers, Inc. and Avertino B.  
Filho,

Defendants-Appellants,

Frank Sepulveda,  
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 6, 2010,

And defendant, Grocery Haulers, Inc., having moved to stay all proceedings, including discovery, pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
Probate Proceeding, Will of

Joy Trezza,

Deceased.

Surrogates Court

M-5841  
File No. 0065/09

-----X  
Francine K. Horowitz,  
Petitioner-Appellant,

-against-

Jeffrey Oberman,  
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about March 18, 2009, said appeal having been perfected,

And petitioner-appellant having moved to enlarge the record on appeal to include the notice of appeal and record underlying the order of the Surrogate's Court entered October 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 to the extent adjourning the appeal to the May 2011 Term and granting petitioner leave to file on or before March 23, 2011 for said Term, a supplemental record on appeal to include petitioner's motion to reargue with respect to the March 18, 2009 order; the Surrogates Court order entered October 21, 2010; the motion papers underlying that order, and a notice of appeal and preargument statement. Petitioner-appellant is directed to serve a copy of this order on respondent-respondent directly, by regular mail, to his last known home address.

ENTER:

  
CLERK

FILED

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
Ramon Perez and Francia Rodriguez,  
Plaintiffs-Respondents,

-against-

Wendell Jordan, M-5533  
Defendant, Index No. 6779/02

Shirley Roberts,  
Intervenor-Appellant.

-----X

An appeal having been taken by intervenor Shirley Roberts from the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about December 28, 2009,

And Stephen G. Dickerman, counsel for appellant, having moved for an enlargement of time in which to perfect the aforesaid appeal,

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before February 22, 2011 for the May 2011 Term, with no further enlargements to be granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

-against-

M-5398  
Index No. 25626/03

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

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 21, 2010 (Appeal No. 2655),

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 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 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:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Arthur Gregory,  
Plaintiff-Appellant,

-against-

M-5716  
Index No. 110310/07

St. Vincent's Catholic Medical Center,  
et al.,  
Defendants-Respondents.

-----X

An order of this Court having been entered September 21, 2010 (M-4019/M-4206) granting plaintiff-appellant 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 September 30, 2009 (mot. seq. no. 002),

And defendant-respondent David J. Friedman, M.D. having moved for dismissal of the aforesaid appeal, for failure to timely perfect,

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

It is ordered that the motion is granted and 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 January 4, 2011.

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

-----X  
In the Matter of

Taylor C.,

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

M-4406  
Docket No. NN3797/07

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

Christin C.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about July 22, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, George E. Reed, Jr., Esq., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, as counsel for purposes of prosecuting the appeal;



January 4, 2011

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. (See M-4606, decided simultaneously herewith.)

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
In the Matter of

Taylor C.,

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

M-4606  
Docket No. NN3797/07

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

Christin C.,  
Respondent-Appellant.

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

-----X

Family Court counsel for subject child, Kevin L. McAllister, Esq., having moved on child's behalf for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about July 22, 2010, to be relieved as counsel on child's behalf, for the assignment of new counsel to represent said child, for a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) relieving Kevin L. McAllister, Esq., as counsel to represent subject child and assigning, pursuant to Article 18B

of the County Law and § 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the appellant and 8 copies thereof are filed with this Court. (See M-4406, decided simultaneously herewith.)

ENTER:

  
CLERK

CORRECTED ORDER – February 3, 2011

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
In the Matter of

Ta'Avixiqua H., also known as Docket Nos. B15882/06  
Ta'Avixiqua'h Jyoti Minaku Consuelo  
H.;

Cennyer Qui-Viros H.; B15880/06

and Nakai H., also known as B15881/06  
Nakai Chayoto H.,

Dependent Children Under 18 Years  
of Age Pursuant to §384-b of the **M-4670**  
Social Services Law of the State **M-4672**  
of New York. **M-4668**

- - - - -  
St. Vincent's Services, et al.,  
Petitioners-Respondents,

Angela B. H., also known as  
Angela Renee B., also known as  
Angela B.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved by separate motions for leave to prosecute, as a poor person, the appeals taken from orders of the Family Court, New York County, all entered on or about August 5, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

CORRECTED ORDER – February 3, 2011

(M-4670/M-4672/M-4668)

-2-

January 4, 2011

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 is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. (914) 834-3053, as counsel for purposes of prosecuting the appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record(s) upon receipt of this order;** and (4) appellant is directed to perfect the appeals, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



Clerk

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
In the Matter of

Chelsea Antionette A.,  
Ethan C. A.  
and Ryszrd Jan S.,

M-5204  
Docket No. B730-2//09

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

-----  
Mercyfirst, et al.,  
Petitioners-Respondents,

Anna S.,  
Respondent-Appellant.

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


-----X  
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about September 27, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone

No. (347) 645-6660, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:

  
CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

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

-against-

M-5278  
Ind. No. 4427/08

Olivia C. Purser,  
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 October 21, 2009, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, NY 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 January 4, 2011.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5633  
Ind. No. 1056/09

Tyra Manley,  
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, New York County, rendered on or about May 18, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, 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 January 4, 2011.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5638  
Ind. No. 5214/08

Luis M. Serrano,  
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, New York County, rendered on or about September 21, 2009, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, 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 January 4, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-5184  
Ind. No. 2972/08

Antonio Rodriguez,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 24, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before February 22, 2011 for the May 2011 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

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

-against-

Elwood J. Patterson,  
Defendant-Appellant.

M-5636  
Ind. No. 1381/07

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 24, 2008,

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

It is ordered that the motion is 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 January 4, 2011.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
Leland G. Degrasse  
Nelson S. Román, Justices.

-----X  
Victor K. Kiam III and Elena Hahn Kiam,  
Plaintiffs-Appellants,

-against-

M-5499  
Index No. 601424/07

Park & 66<sup>th</sup> Corporation, et al.,  
Defendants-Respondents.

-----X

Appeals having been taken by plaintiffs from the order of the Supreme Court, New York County, entered on or about October 5, 2010 (mot. seq. no. 014) and from the judgement of said Court entered on or about October 18, 2010,

And defendants-respondents having moved for an order striking plaintiffs-appellants' notice of appeal and amended pre-argument statement,

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

Ordered that the motion is granted to the extent of deeming the notice of appeal and pre-argument statement to reflect that the appeal is taken solely from the order entered on or about October 5, 2010 and the judgement entered on or about October 18, 2010 (CPLR 5520[c]) without prejudice to the plaintiffs' inclusion of the June 8, 2010 transcript in the record on appeal. 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 January 4, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

-----X  
Frances Porter,

Plaintiff-Respondent-Appellant,

-against-

Franklin Bajana,

Defendant-Appellant-Respondent.  
-----X

M-5707  
Index No. 302815/07

Defendant-appellant-respondent having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal and cross appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 27, 2010,

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

It is ordered that the motion is granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Roselyn H. Richter, Justices.

-----X  
The People of the State Of New York,  
ex rel. Walter Grant,  
Petitioner,

-against-

M-5616  
Ind. No. 401479/09

Susan A. Connel, Superintendent of  
Oneida Correctional Facility,  
Respondent.

-----X

An order of this Court having been entered March 2, 2010 (M-181), denying petitioner's motion to renew his motion for poor person relief and *sua sponte* dismissing the appeal taken from the decision and order of the Supreme Court, New York County, entered on July 16, 2009,

And petitioner having moved for leave to appeal to this Court, from the aforesaid order of Supreme Court, New York County, entered July 16, 2009, 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 January 4, 2011.

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

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

Honorable Daniel Dromm, etc., et al.,  
Petitioners,

M-5681

For a Order Pursuant to Article 78 of  
the Civil Practice Law and Rules,

Index No. 112284/10

-against-

The New York City Health and Hospitals  
Corporation,  
Respondent.

-----X

An order of this Court having been entered on October 21, 2010 (M-4915) deeming respondent's motion for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about September 30, 2010, and for a stay of all proceedings, to be a motion for CPLR 5704 (a) relief and, as such, denying said motion,

And respondent having moved for leave to appeal to the Court of Appeals from the aforesaid order of this Court entered on October 21, 2010 (M-4915),

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 January 4, 2011.

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

-----X  
James L. Melcher,  
Plaintiff-Respondent,

-against-

M-5494  
Index No. 604047/03

Apollo Medical Fund Management L.L.C.,  
and Brandon Fradd,  
Defendants-Appellants.

-----X

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County entered on or about September 8, 2009, and appeals having been taken to this Court from the order of said Court entered on or about January 8, 2010, and from the judgment of said Court entered on or about February 2, 2010,

And an order of this Court having been entered on October 5, 2010, inter alia, denying plaintiffs motion to direct the Clerk of this Court not to accept defendants' record on appeal (M-3478), granting defendant's cross motion to the extent of striking plaintiff's brief and record on appeal, and otherwise denying the cross motion (M-3580); and sua sponte dismissing plaintiff's appeals, with related relief,

And plaintiff-respondent having moved for leave to Appeal to the Court of appeals from the aforesaid order of this Court entered on October 5, 2010 (M-3478/M-3580), dismissing his appeals,

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

It is ordered that the motion is 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 January 4, 2011.

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

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

-against-

M-5182  
Ind. No. 4235/06

Russell Hart,  
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 September 10, 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 notice of appeal timely filed, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
Margaretta Osborne Clarke, Individually  
and as the Administratrix of the Estate  
of Charles Osborne, deceased,  
Plaintiff-Appellant,

-against-

M-4934  
Index No. 102145/02

Consolidated Edison Company of New  
York, Inc., Empire City Subway Company,  
The City of New York and New York City  
Department of Transportation,  
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 September 21, 2009 (mot. seq. no. 003),

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 on or before February 22, 2011 for the May 2011 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
Yvonne Clemons,  
Plaintiff-Appellant,

-against-

M-5100  
Index No. 116474/06

Schindler Elevator Corporation,  
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, New York County, entered on or about January 14, 2009 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before February 22, 2011 for the May 2011 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
Augustin Rivera,

Plaintiff-Appellant,

-against-

M-5170  
Index No. 305934/08

DYA Inc., et al.,

Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 26, 2010,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

-----X  
Stephane Cosman Connery and  
Micheline Connery,  
Plaintiffs-Appellants,

-against-

M-5706  
Index No. 401336/05

Burton S. Sultan,  
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 18, 2010 (mot. seq. no. 014),

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

Present: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Diane T. Renwick  
Nelson S. Román, Justices.

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

Malcolm G.,  
Petitioner-Appellant,  
  
-against-

M-4931  
M-5129  
Docket Nos. V19028/05  
V2667/06

Vivian G.,  
Respondent-Respondent.  
-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about September 16, 2009,

And an order of this Court having been entered on January 12, 2010 (M-5307), denying petitioner-appellant father's motion for poor person relief, with leave to renew upon certain conditions,

And an order of this Court having been entered on August 24, 2010 (M-3051), granting petitioner-appellant an enlargement of time to perfect the appeal to the December 2010 Term and denying poor person relief with leave to renew upon certain conditions,

And petitioner-appellant having moved, by separate motions, for an enlargement of time in which to perfect the aforesaid appeal (M-4931), and for leave to prosecute said appeal as a poor person, and for related relief (M-5129),

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

Ordered that petitioner's motion (M-4931) is granted to the extent of enlarging the time in which to perfect the appeal to the May 2011 Term, with no further enlargements to be granted. Petitioner's motion for poor person and related relief (M-5129) 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 January 4, 2011.

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

-----X  
Ulith Gallimore,

Plaintiff-Appellant,

-against-

Riverbay Corporation,

Defendant-Respondent.  
-----X

M-5491  
Index No. 25482/04

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about December 4, 2008, for failure to timely perfect,

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

It is ordered that the motion is granted and 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 January 4, 2011.

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

-----X  
Jerzy Kurpiewski,  
Plaintiff-Appellant,

-against-

M-5591  
Index No. 106217/08

Sieu & Bang Taxi Inc., et al.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 30, 2009, for failure to timely perfect,

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

It is ordered that the motion is granted and 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 January 4, 2011.

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

-----X  
Deborah Orin, also known as Deborah Eilbeck, by the Executors of her Estate, James Neville Eilbeck and Mark Slotkin, and James Neville Eilbeck, individually,  
Plaintiffs-Appellants,

M-5612  
Index No. 100138/07

-against-

Naomi Nakao, M.D.,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 30, 2009 (mot. seq. no. 002),

And defendant-respondent having moved for an order dismissing the aforesaid appeal,

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

Ordered that the motion is 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 January 4, 2011.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Diane T. Renwick  
Rosalyn H. Richter, Justices.

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

-against-

M-5424  
SCI. No. 2006/09

Felipe Mendez,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 20, 2009, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

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

-against-

M-5619  
Ind. No. 5295/99

Alvin Peterson,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the order of the Supreme Court, New York County, entered on or about May 13, 2010, denying resentencing, 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 copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, NY 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 January 4, 2011.

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

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

-against-

M-5617  
Ind. No. 4310/06

Kemar K. Black,  
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 February 9, 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 reproduced copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 4, 2011.

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

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

-against-

M-5639  
Ind. No. 846/09

Deward Smith, also known as TG,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 15, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

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

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

ENTER:

  
CLERK