

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 18, 2011.

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

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

-against-

M-5520  
Ind. No. 4364/08

Richard Hope,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 2, 2008,

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:

  
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 18, 2011.

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

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

-against-

M-5757  
Ind. No. 1329/08

Craig Smith,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 22, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated November 8, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 18, 2011.

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

-----X  
Tatyana Oxman,  
Plaintiff-Respondent,

-against-

M-6069X  
Index No. 106110/07

Mountain Lake Camp Resort, 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 February 16, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 9, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:

  
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 18, 2011.

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

-----X  
Kenneth Kelly and Arlene Kelly,  
Plaintiffs-Appellants,

-against-

M-6070X  
Index No. 16761/06

Vickie Allen Gilliam, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 10, 2010 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 9, 2010, and due deliberation having been had thereon,

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

E N T E R:

  
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 18, 2011.

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

-----X  
20 West 47<sup>th</sup> Owner LLC,  
Plaintiff-Respondent,

-against-

M-6096X  
Index No. 600528/08

F.M. Ring Associates, Inc., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 15, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 13, 2010, and due deliberation having been had thereon,

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

E N T E R:

  
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 18, 2011.

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

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

-against-

M-6154  
Ind. No. 5188/00

Tyrone Howie,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about January 20, 2009,

Now, upon reading and filing the stipulation of the parties hereto, filed December 13, 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 18, 2011.

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

-----X  
Deephaven Distressed Opportunities  
Tradings, Ltd., et al.,  
Plaintiffs-Respondents,

-against-

M-6161X  
Index No. 600610/08

3V Capital Master Fund Ltd.,  
Defendant-Appellant,

Scott Stagg, et al.,  
Defendants.

-----X  
3V Capital Master Fund Ltd.,  
Third-Party Plaintiff-Appellant,

-against-

Third-Party  
Index No. 590803/08

Imperial Capital LLC, et al.,  
Third-Party Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 9, 2010 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 15, 2010, and due deliberation having been had thereon,

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

ENTER:

*Susan Rojas*  
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 18, 2011.

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

-----X

Linda Smith and Linda Smith as  
Administrator of the Estate of  
Donald Tucker,  
Plaintiff-Appellant,

-against-

M-6203X  
Index No. 13227/02

Queens-Long Island Medical Group, P.C.,  
et al.,  
Defendants-Respondents.

-----  
(And another action)  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 17, 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 18, 2011.

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

-----X  
Opera Solutions, LLC,  
Plaintiff-Respondent,  
  
-against-  
  
Ricardo Cuervo,  
Defendant-Appellant.  
-----X

M-6210X  
Index No. 601451/09

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about January 4, 2010 and from the judgment of said Court entered on or about May 18, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 17, 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 January 18, 2011.

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

-----X  
Paul E. Glotzer and Steven L. Holley,  
Plaintiffs-Appellants,

-against-

M-6212X  
Index No. 115789/08

Estate of George G. D'Amato, et al.,  
Defendants-Respondents.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 17, 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 18, 2011.

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

-----X  
Carlos Acevedo and Rosa Acevedo,  
Plaintiffs-Appellants,

-against-

M-6213X  
Index No. 306576/08

Pick Quick Foods, Inc.,  
Defendant-Respondent.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 21, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 17, 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 18, 2011.

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

-----X  
Juan Cruz,  
Plaintiff-Respondent,

-against-

M-6214X  
Index No. 302510/08

Kraus Management, Inc., et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 26, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 20, 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 18, 2011.

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

-----X  
Jennifer Keane,  
Plaintiff-Respondent,

-against-

M-6215X  
Index No. 113084/09

Michael M. Siu,  
Defendant-Appellant.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 20, 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 18, 2011.

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

-----X  
Estelle Spencer,  
Plaintiff-Respondent,  
  
-against-  
  
729 East Tremont Ave., LLC, et al.,  
Defendants-Appellants.  
-----X

M-6222X  
Index No. 23772/06

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 23, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 20, 2010, and due deliberation having been had thereon,

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

E N T E R:

  
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 18, 2011.

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

-----X  
Gotham Bank of New York,  
Plaintiff-Respondent,

-against-

M-6223X  
Index No. 602860/09

L&T Amboy Realty LLC, et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 29, 2010 (mot. seq. no. 002), and from the judgment of the said Court entered on or about May 17, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 20, 2010, and due deliberation having been had thereon,

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

E N T E R:

  
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 18, 2011.

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

-----X  
Richard Rosenhoch,  
Plaintiff-Respondent,

-against-

M-6225X  
Index No. 106145/07

1710 Lexington Inc., et al.,  
Defendants,

-and-

Melody Development Inc.,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 18, 2010 (mot. seq. nos. 003 & 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 21, 2010, and due deliberation having been had thereon,

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

E N T E R:

  
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 18, 2011.

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

-----X  
Victoria Andrade as Administratrix of  
the Estate of Juan Andrade,  
Plaintiff-Respondent,

-against-

M-6241X  
Index No. 109713/04

Oscar M. Rodriguez,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 16, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 21, 2010, and due deliberation having been had thereon,

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

E N T E R:

  
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 18, 2011.

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

-----X  
6 Great Neck Associates, Inc.,  
Plaintiff-Respondent,

-against-

M-6294X  
Index No. 600729/09

Cold Stone Creamery Leasing Company,  
Defendant,

-and-

Cold Stone Creamery, Inc.,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 28, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 23, 2010, and due deliberation having been had thereon,

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

E N T E R:

  
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 18, 2011.

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

-----X  
Steven G. Benish,  
Plaintiff-Respondent,

-against-

M-6295X  
Index No. 103899/08

McDonald's Corporation, et al.,  
Defendants-Appellants,

-and-

Par Technology Corporation, et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 12, 2010 (mot. seq. nos. 002 & 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 22, 2010, and due deliberation having been had thereon,

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

E N T E R:

*Susan Rojas*  
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 18, 2011.

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

-----X  
Merrill Lynch Hedge Fund Integration  
Services, Inc.,  
Plaintiff-Respondent,

-against-

M-6296X  
Index No. 600836/09

Calypso Technology Inc.,  
Defendant-Appellant.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 22, 2010, and due deliberation having been had thereon,

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

E N T E R:

  
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 18, 2011.

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

-----X  
Darren Doweary,  
Plaintiff-Appellant,

-against-

M-5806  
Index No. 14938/07

RP Stellar Riverton LLC,  
Defendant-Respondent.  
-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated November 22, 2010, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2011.

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

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

-against-

M-5982  
Ind. No. 4505/07

Thomas Bond,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 13, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

E N T E R:

  
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 18, 2011.

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

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

-against-

M-5983  
Ind. No. 944/10

Arthur J. Henry,  
Defendant-Appellant.

-----X

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

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

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

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

E N T E R:

  
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 18, 2011.

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

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

-against-

M-5984  
Ind. No. 786/10

John James,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 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 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.

E N T E R:

  
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 18, 2011.

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

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

-against-

M-5987  
Ind. No. 4717/09

Galindo Oliverio,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 25, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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.

E N T E R:

  
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 18, 2011.

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

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

-against-

M-5988  
Ind. No. 504/07

Javier Pantojas, also known as  
Tiffany Pantojas,  
Defendant-Appellant.

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

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

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

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

E N T E R:

  
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 18, 2011.

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

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

-against-

M-5990  
Ind. No. 1352/04

Melvin Williams,  
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 May 6, 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 copies of such brief, together with the original record, with this Court pursuant to Rule 600.11 of the Rules of this Court.

Steven Banks, 199 Water Street, 5<sup>th</sup> fl., 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.

E N T E R:

  
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 18, 2011.

Present: Hon. Luis A. Gonzalez, Justice Presiding,  
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-5471  
Ind. No. 491/10

Maurice Rogers,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 24, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 18, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta, Justices.

-----x  
K2 Investment Group, LLC, et al.,  
Plaintiffs-Respondents-Appellants,

-against-

M-5950  
Index No. 117902/09E

American Guarantee and Liability  
Insurance Co.,  
Defendant-Appellant-Respondent.

-----x  
An appeal and cross appeal having been taken to this Court from the judgment of the Supreme Court, New York County entered on or about June 23, 2010, and said appeal and cross appeal having been perfected,

And defendant-appellant-respondent having moved to strike portions of plaintiffs' reply brief,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
Joshua Guberman,  
Plaintiff-Appellant,

-against-

M-5979  
M-6176  
Index No. 105002/10

Paul E. Rudder, as Receiver,  
Defendant-Respondent.

-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about May 12, 2010, and from the judgment of said Court entered on or about December 2, 2010 and the appeal from the order entered on or about May 12, 2010, having been perfected,

And defendant-respondent having moved to dismiss plaintiff's appeal taken from the order of the Supreme Court, New York County, entered on or about May 12, 2010, or, in the alternative for an enlargement of time in which to file a respondent's brief; and for leave to enlarge the record on appeal to include the Amended Order of said Court, entered on or about July 9, 2010 and orders entered in a related action pending in Supreme Court, New York County, *Parker v Parker*, under Index No. 300564/08 (M-5979), and for related relief,

And plaintiff-appellant having cross-moved for the consolidation of the aforesaid appeals (M-6176),

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 defendant-respondent's motion is granted only to the extent of enlarging the time in which to file a respondent's brief in the perfected appeal to on or before March 23, 2011 for the May 2011 Term, to which Term the appeal is adjourned, and allowing respondent to submit the Amended Order entered on July 9, 2010 and the orders appointing defendant-respondent as a receiver in the aforesaid related action as exhibits and, the motion is otherwise denied (M-5979),

Plaintiff-appellant's cross motion for consolidation (M-6176) is granted only to the extent of directing plaintiff to perfect the appeal from the judgment entered on December 2, 2010 on or before February 22, 2010 for the May 2011 Term and directing the Clerk to calendar said appeals for hearing together during said Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2011.

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

-----X  
Christopher Pannone,

Plaintiff-Appellant,

-against-

M-5628  
Index No. 107932/04

Daniel P. Silberstein, Esq., 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, New York County, entered on or about December 23, 2009 (mot. seq. no. 009),

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

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

Minnie Parker,

Plaintiff-Appellant,

-against-

M-5574

Index No. 21141/06

Bronx House Community Center, 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 August 14, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2011 Term, 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 18, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Mt. McKinley Insurance Company,  
formerly known as Gibraltar Casualty  
Company, et al.,  
Plaintiffs-Respondent,

-against-

M-6266  
Index No. 602454/02

Corning Incorporated,  
Defendant-Appellant,

AUI Insurance Company et al.,  
Defendants-Respondents,

American Centennial Insurance  
Company, et al.,  
Defendants.

-----X

Defendant-appellant and defendants-respondents having jointly moved for an enlargement of time in which to perfect the appeals from orders of the Supreme Court, New York County, entered on or about March 2, 2010 and December 20, 2010, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals to on or before March 21, 2011 for the June 2011 Term, without prejudice to further enlargements.

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 18, 2011.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X  
Meadow Star LLC,

Plaintiff-Respondent,

-against-

M-5926  
Index No. 603165/08

Harry Macklowe, et al.,

Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 29, 2010 (mot. seq. no. 002),

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

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

Ordered that the motion is granted.

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 18, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----x  
Juanita Carmona,  
Plaintiff-Appellant,

-and-

George Carmona,  
Plaintiff,

M-6011  
Index No. 25879/03

-against-

Kevin Ross Mathisson, M.D., et al.,  
Defendants-Respondents,

Maple Eye Associates, LLP, etc., 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 September 4, 2009, and said appeal having been perfected,

And defendants-respondents having moved for an adjournment of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the April 2011 Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X

Carmen Tejada,

Plaintiff-Appellant,

-against-

M-6035

Index No. 25459/02

Cherise M. Dyal, M.D., et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about October 6, 2009, and said appeal having been perfected,

And defendants-respondents having moved for an order striking certain portions from the Record on Appeal as they were not part of the record in the Supreme Court,

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

Ordered that the motion is granted and plaintiff is directed to **immediately** remove pages 38 through 92 and pages 97 through 106 from her record on appeal.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

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

-against-

M-6167  
Ind. No. 355/05

Joseph Fisher,  
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 23, 2010, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before March 21, 2011 for the June 2011 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Diane T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of the Trust Created  
Under an Agreement dated April 2,  
1951, Settled by

Hyman Alpert,

M-5821  
Surrogate's Court  
File No. 4515/75

for the Benefit of Zane Alpert.  
-----X

In the Matter of the Trust Created  
Under an Agreement dated April 2,  
1951, Settled by

Hyman Alpert,

for the Benefit of Gail Alpert Kramer.  
-----

Lois Katz and Faya Cohen,  
Co-Executors Respondents-Appellants.  
-----X

In the matter of the Trust Created  
under an Agreement Dated April 6, 1951,  
Settled by

Hyman Alpert,

for the Benefit of Lynn Alpert Scheck.  
-----X

Co-executors respondents-appellants having moved for an enlargement of time in which to perfect the appeals taken from orders of the Surrogate's Court, New York County, entered on or about January 14, 2010 (3 orders),

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

It is ordered that, sua sponte, the appeals are consolidated and the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to the September 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 18, 2011.

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

-----X  
CVL Real Estate Holding Co. LLC,

Plaintiff-Respondent,

-against-

M-5596  
Index No. 602868/07

Eli Weinstein,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 4, 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 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 18, 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-5260  
Ind. No. 1735/93

Hugo Cedenó, also known as Moises Nivar,  
also known as Nivar, Moises, Eugenio',  
Defendant-Appellant.

-----X

Defendant having moved to be provided with certain minutes and the record on appeal now in the possession of the Supreme Court, New York County, for use in the preparation of his motion to vacate the judgment of said Supreme Court rendered on or about October 25, 1994, pursuant to CPL 440.10, which was unanimously affirmed by the decision and order of this Court entered on October 13, 1998 (Appeal No. 2259), and for related relief,

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

Ordered that the motion is denied, without prejudice to defendant seeking the aforementioned relief in Supreme Court.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2011.

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

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

-against- M-4827  
Ind. No. 8820/98

Dale R. Harvey,  
Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 8, 2009,

And Steven Banks, Esq., assigned counsel for defendant, having moved for dismissal of the aforesaid appeal by reason of defendant's deportation,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
Karla Moskowitz  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Victor Munoz and Elvira Munoz,  
Plaintiffs,

-against-

Action No. 1  
Index No. 110826/07

Hilton Hotels Corporation, et al.,  
Defendants.

M-6272

- - - - -  
FC 42 Hotel LLC,  
Third-Party Plaintiff-Respondent,

Third-Party  
Index No. 590086/08

-against-

Sunstone Hotel Properties, Inc., doing  
business as Hilton Times Square,  
Third-Party Defendant-Appellant.

- - - - -  
Sunstone Hotel Properties, Inc., doing  
business as Hilton Times Square,  
Fourth-Party Plaintiff-Appellant,

Fourth-Party  
Index No. 590617/09

-and-

Hilton Hotels Corporation, et al.,  
Fourth-Party Plaintiffs-Respondents

-against-

First New York Partners and FC 42<sup>nd</sup> Street  
Associates, L.P.,  
Fourth-Party Defendants-Respondents.

-----X

-----X  
 Sunstone 42<sup>nd</sup> Street, LLC and Sunstone 42<sup>nd</sup>  
 Street Lessee, Inc.,  
 Fifth-Party Plaintiffs-Respondents,

-against-

Fifth-Party  
 Index No. 590690/09

Sunstone Hotel Properties, Inc., doing  
 business as Hilton Times Square,  
 Fifth-Party Defendant-Appellant,

-and-

First New York Partners Management, LLC  
 and FC 42<sup>nd</sup> Street Associates, L.P.,  
 Fifth-Party Defendants.

-----X  
 (And other actions)

An appeal having been taken from the order of the  
 Supreme Court, New York County, entered on or about July 27,  
 2010,

And defendants/fifth-party plaintiffs-respondents  
 Sunstone 42<sup>nd</sup> Street, LLC and Sunstone 42<sup>nd</sup> Street Lessee, Inc.,  
 having moved to strike appellant's reply brief,

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

It is ordered that the motion is denied.

E N T E R:

  
 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 18, 2011.

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

-----X  
In the Matter of

Isaiah D.,

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

M-5600  
Docket No. B18121/08

-----  
Cardinal McCluskey Services, et al.,  
Petitioners-Respondents,

Shawana D.,  
Respondent-Appellant.

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

Petitioner Agencies having moved for dismissal of the appeal taken 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 motion is denied, with leave to renew upon proof of service of motion papers directly on respondent-appellant.

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 18, 2011.

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

-----X

Shu Chi Lam,

Plaintiff-Appellant,

-against-

M-5572

Index No. 103695/06

Wang Dong, et al.,

Defendants-Respondents.

-----X

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

And plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal and direct defendants' counsel to provide a copy of the summary judgment motion decided by the order appealed with exhibits,

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 plaintiff's time in which to perfect the appeal to the May 2011 Term and directing defendants' counsel forthwith to provide plaintiff's counsel with a copy of the summary judgment motion with exhibits (at plaintiff's cost).

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 18, 2011.

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

-----X  
In the Matter of a Support Proceeding  
Under Article 4 of the Family Court  
Act.

Jennifer J.,  
Petitioner-Respondent,

M-5661  
Docket No. F-01139-07/09A

-against-

David J.,  
Respondent-Appellant.

-----X  
Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about, January 6, 2010,

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

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 18, 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-4941A  
Ind. Nos. 1355N/06  
3564/08

Richard Bahamonte,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 2, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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. The order of this Court entered on December 2, 2010 (M-4941) is hereby recalled and vacated.

ENTER:

  
CLERK

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-4796  
Ind. No. 5816/81

-against-

CERTIFICATE  
DENYING LEAVE

Michael Jones,

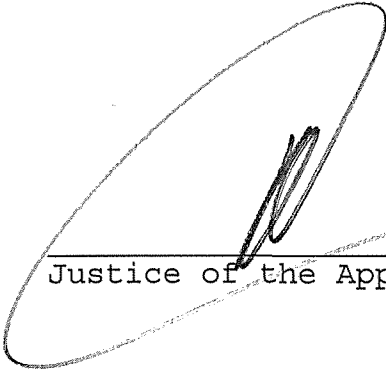
Defendant.

-----X

I, Richard T. Andrias, 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 Section 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, (Daniel P. Conviser, J.), entered June 11, 2010, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
January 5, 2011

ENTERED JAN 18 2011

  
Justice of the Appellate Division

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

BEFORE: Hon. Richard T. Andrias,  
Associate Justice

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

M-5708  
Ind. No. 8163/96

-against-

CERTIFICATE  
DENYING LEAVE

Warren Foster,

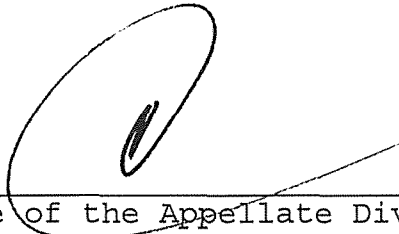
Defendant.

-----X

I, Richard T. Andrias, 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 Section 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, (Richard D. Carruthers,, J.), entered September 29, 2010, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York  
January 10, 2011

ENTERED JAN 1 8 2011

  
Justice of the Appellate Division

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-5699  
Ind. No. 3572/04

-against-

CERTIFICATE  
DENYING LEAVE

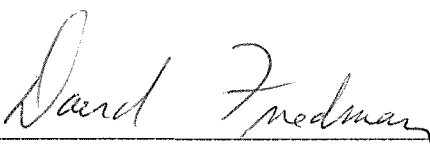
Horace Pyatt,  
Defendant-Appellant.

-----X

I, DAVID FRIEDMAN, 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, section 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 5, 2010, is hereby denied.

Dated: New York, New York  
January 5, 2011

ENTERED JAN 18 2011

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

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

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

The People of the State of New York,

M-5779  
Ind. No. 4433/07

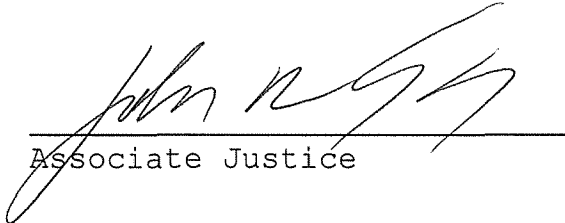
-against-

CERTIFICATE  
DENYING LEAVE

Jarrood Bienerman,

Defendant.

-----X  
I, John W. Sweeny, Jr., a Justice of the Appellate  
Division, First Judicial Department, do hereby certify that,  
upon application timely made by the above-named defendant for  
a certificate pursuant to Criminal Procedure Law, sections  
450.15 and 460.15, and upon the record and proceedings herein,  
there is no question of law or fact presented which ought to  
be reviewed by the Appellate Division, First Judicial  
Department, and permission to appeal from the order of the  
Supreme Court, New York County, entered on or about October  
21, 2010 (Ronald A. Zweibel, J.) and consolidate same with his  
pending appeal is hereby denied.

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

Dated: January 3, 2011  
New York, New York

ENTERED: JAN 18 2011

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

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

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

M-5725  
Ind. No. 4542/02

-against-

CERTIFICATE  
DENYING LEAVE

Christopher Thomas,

Defendant.  
-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the orders of the Supreme Court, Bronx County, dated on or about June 9, 2010 and October 3, 2010 (George R. Villegas, J.) is hereby denied.

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

Dated: January 10, 2011  
New York, New York

ENTERED: JAN 18 2011

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

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

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

M-5863  
Ind. No. 5387/06

-against-

CERTIFICATE  
DENYING LEAVE

Richard Diaz,

Defendant.

-----X  
I, John W. Sweeny, Jr., a Justice of the Appellate  
Division, First Judicial Department, do hereby certify that,  
upon application timely made by the above-named defendant for  
a certificate pursuant to Criminal Procedure Law, sections  
450.15 and 460.15, and upon the record and proceedings herein,  
there is no question of law or fact presented which ought to  
be reviewed by the Appellate Division, First Judicial  
Department, and permission to appeal from the order of the  
Supreme Court, New York County, entered on or about October  
26, 2010 (Bonnie G. Wittner, J.) and consolidate same with his  
pending appeal is hereby denied.

  
Associate Justice

Dated: January 3, 2011  
New York, New York

JAN 18 2011

ENTERED:

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-


Roberto Estremera,  
Defendant.

-----X

M- 6178  
Ind. No. 6769/99

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 November 19, 2010, is hereby denied.

  
\_\_\_\_\_  
Hon. Dianne T. Renwick  
Associate Justice

JAN 13 2011

Dated:  
New York, New York

ENTERED: JAN 18 2011



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

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

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

M-6217  
Ind. No. 132/05

-against-

CERTIFICATE  
DENYING LEAVE

Anthony Stevens, Defendant.  
-----X

I, Hon. Leland G. DeGrasse, 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 December 1, 2010, is hereby denied.



\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division

Dated: New York, New York  
January 5, 2011

ENTERED JAN 18 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 18, 2011.

Present - Hon. Luis A. Gonzalez,                    Presiding Justice,  
                  Peter Tom  
                  David B. Saxe  
                  David Friedman  
                  John W. Sweeny, Jr.,                    Justices.

-----x  
In the Matter of Neil S. Kramer  
(admitted as Neil Stewart Kramer),  
a suspended attorney:

Departmental Disciplinary Committee                    M-4087  
for the First Judicial Department,  
                  Petitioner,

Neil S. Kramer,  
(OCA Atty. Reg. No. 1491612),  
                  Respondent.

-----x

An order of this Court having been entered on October 15, 2009 (M-2160), inter alia, determining that respondent (who, as Neil Stewart Kramer, 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 December 18, 1963) had been convicted of a "serious crime" within the meaning of Judiciary Law § 90(4)(d) and 22 NYCRR 603.12, and immediately suspending respondent from the practice of law in the State of New York, pursuant to Judiciary Law 90(4)(f), nunc pro tunc to December 1, 2006, until such time as disciplinary matters pending before the Committee have been concluded and until further order of this Court,

And the Departmental Disciplinary Committee for the First Judicial Department, by Alan W. Friedberg, its Chief Counsel (Mady J. Edelstein, of counsel) having submitted a motion to this Court on September 8, 2010, for an order vacating the aforesaid order of suspension and, pursuant to 22 NYCRR 603.11, accepting the affidavit of resignation of respondent, sworn to on July 30, 2010, stating, inter alia, that he submits his resignation freely and voluntarily without coercion or duress, that he is fully aware of the implication of submitting his resignation, that he is aware that the Committee conducted an investigation and a disciplinary proceeding based upon allegations against him and, if formal charges were brought against him, they would constitute

charges in violation of DR 9-102(A), (B)(1) and (E) of the Lawyer's Code of Professional Responsibility, and that he could not successfully defend himself on the merits against disciplinary charges based upon these allegations; and striking respondent's name from the roll of attorneys and counselors-at-law in the State of New York,

Now, upon reading and filing the papers with respect to the motion, and the affidavit of resignation of respondent, sworn to on July 30, 2010, and due deliberation having been had thereon, and upon the Opinion Per Curiam filed herein, it is unanimously,

Ordered that the order of suspension entered on October 15, 2009 (M-216) is vacated, respondent's resignation is accepted and his name is stricken from the roll of attorneys and counselors-at-law in the State of New York, effective nunc pro tunc to July 30, 2010, 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, commission or other public authority; and respondent is forbidden to give to another an opinion as to the law or its application or any advice in relation thereto. 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:



Clerk

PM ORDERS  
ENTERED ON  
JANUARY 13, 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 13, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----x  
Joshua Reyes, et al.,  
Plaintiffs-Respondents,

-against-

M-6227  
Index No. 109808/06

Magnetic Construction, Inc., et al.,  
Defendants-Appellants.

- - - - -  
(And other actions)  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 5, 2010, and said appeal having been perfected,

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

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

It is ordered that the motion is granted.

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 13, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
James M. Catterson  
Diane T. Renwick  
Leland G. DeGrasse, Justices.

-----X

In the Matter of

Shae Tylasia I. M.,

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

**M-5657**  
Docket No. B26239/04

-----  
The New York Foundling Hospital,  
Petitioner-Respondent,

Lisa Anne G., also known as  
Lisa Annamarie G.,  
Respondent-Appellant.

-----  
Paul Sweeney, Esq.,  
Attorney for the Child.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about April 9, 2008,

And Paul Sweeney, Esq., Family Court attorney for the subject child, having moved to be relieved as the attorney of record and to have appellate counsel assigned to respond on the child's behalf, as a poor person, to the appeal taken by respondent-appellant mother, 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 denied, with leave to renew upon respondent-appellant mother's perfection of the aforesaid appeal. Paul Sweeney, Esq., current attorney for subject child, is directed to serve a copy of this order upon Douglass Reiniger, Esq., assigned counsel for respondent mother, within 10 days of the date of entry of this order.

ENTER: 

Clerk.