

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 June 23, 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,

Appellant,

-against-

M-1900  
Ind. No. 20055/10

Daniel Calderon,

Defendant-Respondent.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 30, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed April 7, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 23, 2011.

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

-----X  
All Points Corp.,

Plaintiff-Respondent,

-against-

Mangia Wall, LLC, et al.,

Defendants-Appellants.  
-----X

M-1939X  
Index No. 600936/09

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 23, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 25, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 23, 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,

Appellant,

-against-

Aurora Quezada,

Defendant-Respondent.  
-----X

M-2014  
Ind. No. 4751/09

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

Now, upon reading and filing the stipulation of the parties hereto, filed April 28, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 23, 2011.

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

-----X  
Adam Grant,

Plaintiff-Respondent,

-against-

New York City Transit Authority,

Defendant-Appellant.  
-----X

M-2204X  
Index No. 104457/06

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 12, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 4, 2011, 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 June 23, 2011.

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

-----X  
Irma Fuentes, et al.,

Plaintiffs-Respondents,

-against-

Saifur Rahman and Mohammad Hossain,

Defendants-Appellants.  
-----X

M-2206X  
Index No. 302995/09

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 9, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 5, 2011, 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 June 23, 2011.

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

-----X  
Betty Mitchell,

Plaintiff-Respondent,

-against-

David Lutz and Okapi Taxi, Inc.,

Defendants-Appellants.  
-----X

M-2240X  
Index No. 307431/08

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 24, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 9, 2011, 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 June 23, 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-2041**  
Ind. No. 2604/07

Deon Brown, also known as Deon Browne,

Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 29, 2010,

Now, upon reading and filing the stipulation of the parties hereto, dated April 28, 2011, 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 June 23, 2011.

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

-----X

Neil Murphy,

Plaintiff-Respondent-Appellant,

-against-

**M-2207X**

Index No. 102945/08

One Bryant Park, LLC, et al.,

Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 9, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 4, 2011, and due deliberation having been had thereon,

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

ENTER:

  
\_\_\_\_\_  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2011.

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

-----X  
Cornelius James and Sharlene James,  
Plaintiffs-Respondents,

-against-

Ann Farhood and Nicholas Farhood, M-1801  
Defendants-Appellants, Index No. 20797/06

-and-

Garfield Huguley,  
Defendant.

-----X  
[and another action]  
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about March 30, 2011,

And counsel for defendants-appellants having moved to vacate a certain restraining notice pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Rivkin Radler LLP (Stuart M. Bodoff, of counsel), dated May 4, 2011, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 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  
ex rel. Michelle Fox, on behalf of  
Robert Wells,  
Petitioner-Appellant,

-against-

M-2013  
Index No. 401942/10

Dora Schriro, Commissioner,  
New York City Department of Corrections,  
Respondent.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about July 29, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed April 26, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 2011 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 June 23, 2011.

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

-----X  
Frank Pisano and Debra M. Hohns,  
Plaintiffs-Respondents,

-against-

M-2259  
Index No. 15830/05

The City of New York,  
Defendant-Appellant,

-and-

Welsbach Electric Corp., Auto Care  
Inc., and Herman E. Smith,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 12, 2010,

Now, upon reading and filing the stipulation of the parties hereto, filed May 10, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2011 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 June 23, 2011.

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

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

-against-

Natavia Lowery,  
Defendant-Appellant.

**M-5985**  
Ind. Nos. 5850/07  
4346/08

-----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 May 3, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is 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 pro bono counsel Paul Brenner, Esq., 401 Broadway, Suite 306, New York, NY 10013 Telephone No. (212) 431-4880, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 June 23, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Karla Moskowitz  
Helen E. Freedman, Justices.

-----X  
656 Realty, LLC,  
Petitioner-Landlord-Respondent,

-against-

M-1738  
Index No. 570323/10

Antonio Araujo and Beronica Araujo,  
Respondents-Tenants-Appellants.

-----X

Respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 22, 2010,

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

It is ordered that the motion is denied.

ENTER:

  
\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice  
Peter Tom  
Richard T. Andrias  
Karla Moskowitz  
Helen E. Freedman, Justices.

-----X

In the Matter of

Tamarah Treasure M.,

A Dependent Child Under 18 Years of Age  
Pursuant to §384-b of the Social Services  
Law of the State of New York and/or  
Article 6 of the Family Court Act.

-----  
McMahon Services for Children, et al.,  
Petitioners,

M-958  
Docket No. B-12926/09

Tanya M.,  
Respondent.

-----  
Alex Montalban, Esq.,  
Attorney for the Child.

-----X

Respondent mother having moved for an enlargement of time in which to file a notice of appeal from an order of the Family Court, New York County, entered on or about November 18, 2010, for leave prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is denied.

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 June 23, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Sallie Manzanet-Daniels, Justices.

-----X  
Roger Charrette,  
Plaintiff-Respondent,

-against-

M-1043  
Index No. 310374/08

Elrac Inc., etc.,  
Defendant,

Ovie Ofurhie,  
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, Bronx County, entered on or about June 30, 2010,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
Jeffrey Squitieri,  
Plaintiff-Respondent,

-against-

Beth Squitieri,  
Defendant-Appellant.  
-----X

**M-5974**

Index No. 350138/06

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 30, 2010,

And defendant-appellant having moved for a stay of the aforesaid order, including a stay of execution of a judgement against the subject matrimonial account and the distribution of certain fees therefrom by plaintiff's former attorney, Jacalyn F. Barnett, Esq., pending an equitable distribution in the underlying matrimonial action, and for other 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 as academic, equitable distribution having been determined by an order of Supreme Court, New York County, entered on or about March 10, 2011. (See M-1975/M-2438, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Jeffrey Squitieri,  
Plaintiff-Respondent,

-against-

Beth Squitieri,  
Defendant-Appellant.  
-----X

**M-1975**  
**M-2438**  
Index No. 350138/06

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 10, 2011,

And defendant-appellant having moved for an order staying all proceedings including enforcement of the aforesaid order pending hearing and determination of the aforesaid appeal (M-1975),

And non-party movant, Jacalyn F. Barnett, Esq., having cross-moved to intervene in this action and to amend the caption to include those parties involved in a related action (M-2438),

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's motion (M-1975) is granted on condition the appeal is perfected on or before August 8, 2011 for the October 2011 Term. Non-party movant's cross motion (M-2438) is denied without prejudice to seeking such relief in the Supreme Court, and, with leave to renew upon said Court's granting of such relief. (See M-5974, decided simultaneously herewith.)

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

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

-against-

Ricardo Lopez,  
Defendant-Appellant.

M-1841  
Ind. Nos. 6154/02  
5531/01

-----X

Defendant-appellant's counsel having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 22, 2009, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

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

-against-

**M-1725**  
Ind. No. 1136/04

Kevin Edmund,  
Defendant-Appellant.

-----X

Defendant having moved for dismissal of his appeal taken from the order of the Supreme Court, New York County, **denying resentence**, entered on or about February 8, 2010, as rendered moot by the completion of defendant's sentence,

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, as moot.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2011.

Present: Hon. Peter Tom, Justice Presiding  
David B. Saxe  
James M. Catterson  
Karla Moskowitz  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-1767  
Ind. No. 1136/09

Alex Rivera,  
Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 14, 2010, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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 June 23, 2011.

Present: Hon. Peter Tom, Justice Presiding  
Angela M. Mazzaelli  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Gary Brown and Steven Brown,

Petitioners-Landlords-Respondents,

-against-

David Robards, et al.,

Respondents-Tenants-Appellants,

-and-

"John Doe" and "Jane Doe",

Respondents-Undertenants.  
-----X

Petitioners-landlords-respondents having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about October 19, 2010, and for other relief,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Rolando T. Acosta  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X  
Roxborough Apartments Corp.,  
Landlord-Respondent,

-against-

M-1563  
Index No. 570667/08

Shira Kalish,  
Tenant-Appellant,

-and-

Bradley Kalish,  
Subtenant-Appellant.

-----X

Respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about January 28, 2009,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2011.

Present: Hon. Peter Tom, Justice Presiding  
Angela M. Mazzarelli  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-1266

Ind. No. 32162C/05

Virgilio Samo,

Defendant-Appellant.

-----X

An order of this Court having been entered on July 27, 2010 (M-2733) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 17, 2008, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Dawn M. Cardi, Esq., 2 Park Ave., 19<sup>th</sup> Floor, New York, New York 10016, Telephone No. 212-481-7770, 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 June 23, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Leland G. DeGrasse  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
11 Essex Street Corp.,  
Plaintiff,

-against-

Tower Insurance Company of New York,  
Defendant.

- - - - -  
11 Essex Street Corp.,  
Plaintiff-Respondent-Respondent,

-against-

7 Essex Street, L.L.C., etc.,  
Defendant-Respondent,

DeSimone Consulting Engineers, et al.,  
Defendants-Appellants,

Berzak Gold, P.C.,  
Defendant-Respondent-Appellant,

Big Apple Wrecking and Construction  
Corp.,  
Defendant.

[And Other Actions]

-----X

**M-1245**

Index Nos. 600176/04  
110019/04  
101984/05  
590172/06  
590479/06  
590879/06  
590972/06  
590456/09

Defendant-respondent-appellant, Berzak Gold, P.C., having moved for clarification, redaction or reargument of the decision and order of this Court entered on February 17, 2011 (Appeal No. 4287),

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 in its entirety.

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones". The signature is written in a cursive style with a prominent initial "S".

---

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 June 23, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Eyal Zabari, et al.,  
Plaintiffs-Respondents,

-against-

M-2290  
Index No. 601352/08

Doran Zabari, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an order enlarging the time in which to perfect the appeals from orders of the Supreme Court, New York County, entered on or about April 19, 2010 (mot. seq. no. 006), the order and judgment of the same Court entered on or about August 3, 2010 (mot. seq. nos. 005, 007) and the order of the same Court entered on or about December 14, 2010 (mot. seq. no. 009), 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, which are, sua sponte, consolidated, to the November 2011 Term. Appellants are permitted to prosecute the appeals upon 9 copies of one record and one set of appellants' points covering the aforesaid appeals.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Nelson S. Román, Justices.

-----X

In the Matter of the Commitment of the Guardianship and Custody of

Bali Roc B., also known as Bali B.,  
Yaha John B., also known as  
Yaha B., and Chanel Raquel B., also known  
as Chanel B.,

Pursuant to the Provisions of Article 6 of the Family Court Act and §384-b of the Social Services Law of the State of New York.

M-924  
Docket Nos. B-13444/08  
B-13445/08  
B-13446/08

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

Raquel Kim R.,  
Respondent-Appellant.  
- - - - -

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

-----X

Petitioner-respondent agency having moved for dismissal of the appeals taken from the orders of the Family Court, New York County, entered on or about October 26, 2009,

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

It is ordered that the motion is granted and the appeals are 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 June 23, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-----  
Vicente A. C., M-1637  
Petitioner-Respondent, Docket Nos. V25363/08  
V25363-08/09A

-against-

Kenia R.,  
Respondent-Appellant.  
-----

Andre Applewhite, Esq.,  
Attorney for the Child.  
-----X

An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about December 22, 2009,

And Carol Lipton, Esq., counsel for respondent-appellant, having moved for a dismissal of the appeal as moot and to be relieved 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 denied, with leave to renew upon submission of proof of service of same on respondent-appellant at her last known address.

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 June 23, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding  
Richard T. Andrias  
James M. Catterson  
Karla Moskowitz  
Nelson S. Román, Justices.

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

-against-

M-1969  
Ind. No. 1887/10

Jose Marte,  
Defendant-Appellant.

-----X

Defendant having renewed the 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 January 3, 2011, 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.

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 June 23, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----x  
Edith Glaser, et al.,

Plaintiffs-Appellants,

-against-

M-2348  
Index No. 17633/05

The City of New York, et al.,

Defendants-Respondents.  
-----x

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about August 5, 2010 (mot. seq. nos. 008, 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 on or before August 8, 2011 for the October 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 June 23, 2011.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Gurumurthy Kalyanaram,  
Petitioner,

-against-

**M-2603**

Index No. 115829/09

New York Institute of Technology,  
Respondent.

-----X

A purported appeal having been taken from a declination of petitioner's application in Supreme Court, New York County, for a temporary restraining order on or about May 31, 2011,

And an order of a Justice of this Court, dated June 1, 2011, having denied petitioner's application for interim relief with respect to the aforesaid paper,

And petitioner having moved, pursuant to CPLR 5704(a), for the same relief,

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

Ordered that the motion is denied, as moot.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X

Jadoonauth Babooram and Shaira  
Babooram,  
Plaintiffs-Appellants,

-against-

Omega Conveyors Systems, Inc.,  
et al.,  
Defendants-Respondents.

M-1355  
Index No. 23851/02

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 5, 2010, 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 June 23, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Diane T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of

Tayshawn S.,

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

- - - - -

Commissioner of Social Services of the City of New York, et al.,  
Petitioners-Respondents,

M-2589  
Docket No. NN-32485/10

Tyon S.,  
Respondent-Appellant.

- - - - -

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

-----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 May 4, 2011, 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, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, New York 11518, Telephone No. (516) 887-8987, 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 June 23, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Helen E. Freedman  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X

W.B. Corley,  
Plaintiff-Appellant,

-against-

**M-1826**

Index No. 400026/10

Allstate Realty Associates, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about March 21, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for other relief,

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

It is ordered that 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 attorney for respondent and file 8 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks the assignment of counsel 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 June 23, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Diane T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, 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 Social Services Law of the State of New York. M-2510

- - - - -  
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 having moved for an enlargement of time to perfect the appeals from orders of the Family Court, New York County, entered on or about August 5, 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 to perfect the appeal to the November 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 June 23, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding  
John W. Sweeny, Jr.  
James M. Catterson  
Leland G. DeGrasse, Justices.

-----X  
In re Estate of William Gottlieb,  
Deceased.

Irving Bender, et al.,  
Petitioners-Respondents,

M-1211  
Index No. 4037/99

Cheryl I. Dier, et al.,  
Objectors-Appellants.

- - - - -  
In re Mollie Bender,  
Deceased,

Irving Bender, et al.,  
Petitioners-Respondents,

Index No. 2497/07

Michael Corbett,  
Objector-Appellant.

-----X

An order of this Court having been entered November 4, 2010 (M-3452/M-3156), denying objector-appellant Cheryl Dier Corbett's separate motions, for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 18, 2010 (Appeal Nos. 1519-23),

And an order of this Court (M-6288) having been entered on February 17, 2011, denying reconsideration of the aforesaid order (M-3452/M-3156),

And objector-appellant Cheryl Dier Corbett having moved for rescission of the aforesaid orders of this Court entered on November 4, 2011 and February 17, 2011, and for other relief (M-1211),

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 June 23, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding  
James M. Catterson  
Karla Moskowitz  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Frances Porter,

Plaintiff-Respondent-Appellant,

-against-

Franklin Bajana,

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

M-1729  
Index No. 302815/07

Plaintiff-respondent-appellant having moved for reargument of the decision and order of this Court entered on March 8, 2011 (Appeal No. 4476),

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 June 23, 2011.

Present - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----x  
Oxford Health Insurance,  
Plaintiff-Appellant,

-against-

M-2468  
Index No. 602899/04

Jordan S. Josephson, M.D., etc.,  
Defendants-Respondents.

- - - - -  
[And another action]  
-----x

Plaintiff-appellant having moved for an enlargement of time to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 29, 2010 (mot. seq. nos. 013, 015),

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 November 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 June 23, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----x

Gladis Anderson,  
Plaintiff-Respondent,

-against-

M-2128

Index No. 114690/07

Ariel Services, Inc., et al.,  
Defendants-Appellants

-----x

Appeals having been taken to this Court by defendants-appellants from orders of the Supreme Court New York County, entered on or about July 19, 2010 (mot. seq. no. 002) and December 28, 2010 (mot. seq. no. 003), respectively,

And defendants-appellants having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 8 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the November 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 June 23, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
Gerard A. Connolly,  
Plaintiff-Appellant,

-against-

Napoli, Kaiser & Bern, LLP, et al.,  
Defendants-Respondents.

M-2015  
Index No. 105224/05

-----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 June 25, 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 November 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 June 23, 2011.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
Karla Moskowitz  
Leland G. DeGrasse  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

Sona Shah,  
Plaintiff-Appellant,

-against-

Wilco Systems, Inc.,  
Defendant-Respondent.

-----X

**SEALED**

**M-2245**

Index No. 113231/02

A decision and order of this Court having been entered on February 8, 2011 (Appeal No. 4201), unanimously affirming the order of the Supreme Court, New York County, entered on or about October 14, 2009,

And non-party movant, Marc Bogatin, Esq., having moved to unseal and be given access to the record and briefs in the above-named appeal filed with this Court under seal involving counsel's ex-client, plaintiff-appellant Sonia Shah,

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 allowing non-party movant, Marc Bogatin, Esq., to review and photocopy only the appellate briefs filed in this Court by or on behalf of Sonia Shah in the matter *Sonia Shah v Wilco Systems*, (New York County Index No. 113231/02; Appeal No. 4201), on condition that attorney Bogatin uses said material only in connection with the underlying attorney fee matter *Bogatin v Shah*, (Civil Court of the City of New York Index No. CV041923/10), and does not otherwise disseminate or distribute this material.

ENTER:

  
CLERK

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

BEFORE: Hon. James M. McGuire  
Justice of the Appellate Division

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

M-2451  
Ind. No. 805/08

-against-

CERTIFICATE  
DENYING LEAVE

Keith Greene,

Defendant.

-----X

I, James M. McGuire, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that, upon application timely made by the above-named appellant for a certificate pursuant to CPL 460.20, and upon the record and proceedings herein,\* there is no question of law presented which ought to be reviewed by the Court of Appeals and permission to appeal, and related relief, is hereby denied.

Dated: June 21, 2011  
New York, New York

ENTERED: JUN 23 2011

  
Justice of the Appellate Division

\*Description of order:

Supreme Court, New York County, entered on April 23, 2009,  
affirmed by App. Div., 1st Dept., on May 12, 2011.

---

Notice: The Clerk is directed to immediately file a copy of this Certificate with the Clerk of the Court of Appeals Pursuant to CPL § 460.20 subd. 5.

PM ORDERS  
ENTERED ON  
JUNE 23, 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 June 23, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
Biscuits and Bath Tribeca LLC,

Plaintiff-Respondent,

-against-

Freund, Freund & Co. Inc.,

Defendant-Appellant.  
-----x

M-2440  
Index No. 603826/07

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 9, 2011,

And defendant-appellant having moved, pursuant to CPLR 5519(c), 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 on condition the appeal is perfected on or before August 8, 2011 for the October 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 June 23, 2011.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----x

In the Matter of the Application of  
507 West 170<sup>th</sup> Street, L.P.,  
Petitioner-Appellant,

For a Judgment, etc.,

M-2433  
Index No. 113368/10

-against-

New York City Department of Housing  
Preservation and Development,  
Respondent-Respondent.

-----x

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 15, 2011,

And petitioner-appellant having moved, pursuant to CPLR 5519(c), for a stay of the enforcement of the aforesaid order and judgment including an administrative hearing directed thereby, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Diane T. Renwick  
Nelson S. Román, Justices.

-----x  
Mariellen Bradley,

Plaintiff-Respondent,

-against-

M-2263  
Index No. 306952/09

Peter William Bradley,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 6, 2011 (mot. seq. no. 006),

And defendant-appellant having moved, pursuant to CPLR 5519(c), for a stay of enforcement of the aforesaid order, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2011.

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

-----X  
In the Matter of

Lisa Marie Ann L., also known as  
Lisa Maryanne L., also known as  
Lisa Marie L.,

**M-2053**  
Docket No. B12509/10

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

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

Melissa L.,  
Respondent-Appellant.

-----  
Patricia Jellen, Esq.,  
Attorney for the Child.

-----X

An appeal having been taken to this Court from orders of the Family Court, Bronx County, entered on or about December 20, 2010 and March 21, 2011, respectively,

And Jessica Brown, Esq., having moved for an order to be relieved as attorney for the subject child and to substitute other counsel to respond to the appeal,

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

It is ordered that the motion is granted to the extent of assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Patricia Jellen, Esq., 245 Park Drive, Eastchester, NY 10709, Telephone No. (914) 793-7534, for purposes of responding to the appeal. (See M-1953, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jellen". The signature is written in a cursive style with a prominent initial "S".

---

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 June 23, 2011.

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

-----X  
In the Matter of

Lisa Marie Ann L., also known as  
Lisa Maryanne L., also known as  
Lisa Marie L.,

**M-1953**  
Docket No. B12509/10

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

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

Melissa L.,  
Respondent-Appellant.

-----  
Patricia Jellen, Esq.,  
Attorney for the Child.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, Bronx County, entered on or about December 20, 2010 and March 21, 2011, respectively, 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, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, Telephone No. (914) 949-8214, 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.** (See M-2053, 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 June 23, 2011.

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

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

Respondent,

-against-

Michael Payne,

Defendant-Appellant.  
-----X

M-1919  
Ind. Nos. 226/09  
2786/09

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 November 4, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$25,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK

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

BEFORE: Hon. James M. McGuire  
Justice of the Appellate Division

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

M-2451  
Ind. No. 805/08

-against-

CERTIFICATE  
DENYING LEAVE

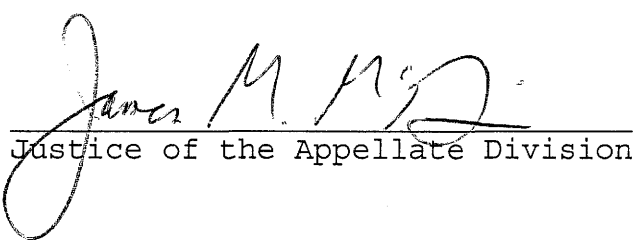
Keith Greene,  
Defendant.

-----X

I, James M. McGuire, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that, upon application timely made by the above-named appellant for a certificate pursuant to CPL 460.20, and upon the record and proceedings herein,\* there is no question of law presented which ought to be reviewed by the Court of Appeals and permission to appeal, and related relief, is hereby denied.

Dated: June 21, 2011  
New York, New York

ENTERED: JUN 23 2011

  
Justice of the Appellate Division

\*Description of order:

Supreme Court, New York County, entered on April 23, 2009, affirmed by App. Div., 1st Dept., on May 12, 2011.

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Notice: The Clerk is directed to immediately file a copy of this Certificate with the Clerk of the Court of Appeals Pursuant to CPL § 460.20 subd. 5.