

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2011.

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

-----X
Isabella Ayoub,

Plaintiff-Respondent,

-against-

M-625X
Index No. 305392/08

Joseph Ayoub,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 18, 2010 (mot. seq. no. 013),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 10, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 10, 2011.

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

-----X
Charles Cummo and Maureen Cummo,
individually and as co-administrators
of the Estate of Erin Cummo,

Plaintiffs-Appellants,

-against-

M-669X
Index No. 114166/06

Children's Hospital of New York, 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 6, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" February 14, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 March 10, 2011.

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

-----X
Emilia Nicole Dwyer, by her mother and
Natural Guardian, Donna Dwyer,
Plaintiff-Appellant,

-against-

M-5946
Index No. 108912/06

Eric P. Gibbs, D.D.S., et al.,
Defendants,

-and-

DR. Delfina Colon,
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, entered on or about November 19, 2009 (mot. seq. no. 004),

Now, upon reading and filing the stipulation of the parties hereto, dated December 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2011.

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

-----X
PR Newswire Association, LLC,
Plaintiff-Respondent,

-against-

S5B, Inc., also known as Blinn PR,
Defendant,

-and-

Steven Blinn,
Defendant-Appellant.

-----X

M-216
M-653
Index No. 602013/08

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 4, 2010,

And plaintiff-respondent having moved to dismiss said appeal (M-216),

Now, upon reading and filing the subsequent stipulation of the parties hereto, dated February 3, 2011 (M-653), and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 2011 Term, is withdrawn, and the motion to dismiss (M-216) are deemed 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 March 10, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
New York City Campaign Finance Board,

Plaintiff-Respondent,

-against-

M-282

Index No. 403573/05

Garth Marchant,

Defendant-Appellant,

-and-

Nse Udo, as Treasurer of Friends of
Garth Marchant, et al.,

Defendants.
-----X

Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about December 7, 2010, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 March 10, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
James M. Catterson
Diane T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Leroy R., Jr., also known as Baby Boy W.,

M-404

Docket No. NN18981/10

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

Commissioner of Social Services of the City of New York,
Petitioner-Appellant,

Leroy R., Sr.,
Respondent-Respondent.

Shaunette W.,
Respondent.

Keith Brown, Esq.,
Attorney for the Child.

-----X
Respondent-respondent father having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about August 31, 2010, for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2011.

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

-----X
Jennifer Cangro,

Plaintiff-Appellant,

-against-

John Z. Marangos,

Defendant-Respondent.
-----X

M-107
Index No. 111339/09

Plaintiff-appellant, pro se, having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 13, 2010, and for an order exempting plaintiff-appellant from the requirements for 22 NYCRR § 600.11(b)(2) [electronic filing].

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

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

The motion, to the extent that it seeks exemption from the requirements from 22 NYCRR § 600.11(b)(2) [electronic filing], is denied, without prejudice to submission of a letter to the Clerk of this Court requesting an exemption from 22 NYCRR §600.11(b)(2) [electronic filing].

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 March 10, 2011.

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

-----X
German Carmona,

Plaintiff-Respondent,

-against-

North East Design, Inc., et al.,

Defendants-Appellants.

-----X

M-337
Index No. 310021/09

Defendants-appellants having moved for an enlargement of time in which to perfect their appeal from an order of the Supreme Court, Bronx County, entered on or about February 16, 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 September 2011 Term.

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 March 10, 2011.

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

-----X
Silvana Marceca,

Plaintiff-Appellant,

-against-

4947 Associates, L.P., et al.,

Defendants-Respondents.
-----X

M-379
Index No. 105254/06

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 14, 2010 (mot. seq. no. 003),

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

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

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 March 10, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
AMP Services Limited, as Trustee of
The Walter and Anna Bronner Trust,
etc.,

Plaintiff-Respondent,

-against-

M-428
Index No. 106462/04

Walanpatrias Foundation, also known
as Doraw and Walanpatrias Stiftung,

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 March 5, 2009 (mot. seq. no. 008),

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

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

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 March 10, 2011.

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

-----X
Anthony S. Sacco,

Plaintiff-Appellant,

-against-

M-452
Index No. 107568/07

The City of New York,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about November 18, 2009,

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

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

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 March 10, 2011.

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

-----X
Square Block Associates, Inc.,
Petitioner-Landlord-Respondent,

-against-

M-92
Index No. 66724/08

Rafael Fernandez,
Respondent-Tenant,

-and-

Domingo Cruz,
Respondent-Undertenant-Appellant,

-and-

"John Doe" and "Jane Doe,"
Respondents-Undertenants.

-----X
Respondent-appellant, Domingo Cruz, having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about November 29, 2010, and for a stay of proceedings 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. The interim relief granted by an order of a Justice of this Court on January 7, 2011 is vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Rolando T. Acosta
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
In the Matter of the Estate of

Charles E. Whipple

- - - - -
Wilfredo Lopez, Life Estate Devisee,
Petitioner-Appellant,

M-591
Surrogate's Court
File No. 1255/2009

Richard Fenn, Executor of the
Estate of Charles E. Whipple,
Respondent-Respondent.
-----X

Appeals having been taken from orders of the Surrogate's Court, New York County, entered on or about April 6, 2010, October 12, 2010 and November 16, 2010, respectively, and said appeals having been perfected,

And respondent-respondent having moved for an order striking certain portions of appellant's record on appeal and brief, and directing appellant to re-file a corrected record on appeal and 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 March 10, 2011.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Rolando T. Acosta
Diane T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
W&W Glass Systems, Inc.,
Plaintiff-Respondent,

-against-

M-91
Index No. 111707/09

Admiral Insurance Company and Metal
Sales Company, Inc.,
Defendants-Appellants.

-----X
Petrocelli Construction, Inc.,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 591166/06

W&W Glass Systems, Inc.,
Third-Party Defendant-Respondent,

Metal Sales Company, Inc.,
Third-Party Defendant-Appellant.

-----X

An appeal having been taken by defendants, Admiral Insurance Company and Metal Sales Company, Inc., from the order of the Supreme Court, New York County, entered on or about September 14, 2010,

And a third-party appeal having been taken solely by defendant, Metal Sales Company, Inc., from the order of the Supreme Court, New York County, entered on December 2, 2010,

And defendants-appellants having moved to stay Special Referee Hearings, and for consolidation of said 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, to the extent it seeks a stay, is denied. So much of the motion which seeks consolidation is denied without prejudice to a motion to calendar the appeals for hearing together upon the same day, upon the perfection of the subject 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 March 10, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Dianne T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
311 South Wacker Member LLC, on its
own behalf and derivatively on behalf
of 311 South Wacker Venture LLC,
Plaintiff-Appellant,

-against-

M-6261
Index No. 652129/10

F-S 311 Venture L.L.C. and
Raphael Sidelsky,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for certain injunctive relief denied by the order of the Supreme Court, New York County, entered on or about December 10, 2010 pending hearing and determination of the appeal,

taken from the order of the Supreme Court, New York County, entered on or about December 21, 2010, denying same,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2011.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

M-161
Ind. No. 2713/09

James Stephens,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 14, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 March 10, 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-305
Ind. No. 4030/02

Mark Moore,
Defendant-Appellant.

-----x

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

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 March 10, 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-225

Ind. No. 6344/09

Ronald Gardner,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 14, 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), including the sources of funds to post the \$5,000 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.)

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 March 10, 2011.

Present - Hon. Angela M. Mazzairelli, 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-255
Ind. No. 1887/10

Jose Marte,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 3, 2011, 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), including the sources of funds to post the \$35,000 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.)

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 March 10, 2011.

Present - Hon. Angela M. Mazzairelli, 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-261
Ind. No. 798/10

Justin Robinson,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 1, 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), including the amount and sources of his income and listing his property with its value. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 March 10, 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-262
Ind. No. 3241/01

Norman Schachter,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about December 8, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 March 10, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Alyssa F. and Laquan F.,

M-85

Children Under 18 Years of Age Alleged to be Abused and/or Neglected Under Article 10 of the Family Court Act. Docket Nos. NN32142/10
NN32143/10

Commissioner of the Administration for Children's Services, et al.,
Petitioners-Appellants,

Denzil F.,
Respondent-Respondent.

Steven Banks, Esq.,
Attorney for the Children.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about January 3, 2011,

And petitioners-respondents having moved for a stay of the aforesaid order, and for continuation of a certain temporary order of protection and supervised visitation entered on or about June 14, 2010, 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 that the appeal is perfected on or before July 11, 2011 for 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 March 10, 2011.

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

-----X
Grand Pacific Finance Corp.,
Plaintiff-Respondent,

-against-

M-239
Index No. 601164/09

97-111 Hale, LLC, et al.,
Defendants-Appellants.

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

Defendants-appellants having moved for relief in the nature of a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 10, 2010,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
John Wirth, et al.,

Plaintiffs-Appellants,

-against-

M-200
Index No. 107636/07

Chambers-Greenwich Tenants Corp.,

Defendants-Respondents.
-----X

Appeals having been taken to this Court by plaintiffs-appellants from the orders of the Supreme Court, New York County, entered on or about April 7, 2010 (mot. seq. nos. 007 and 008) and December 13, 2010 (mot. seq. no. 009), respectively,

And plaintiffs-appellants having moved for an enlargement of time in which to perfect the aforesaid appeal from the order, entered on April 7, 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 appeals, which are sua sponte consolidated, to on or before July 11, 2011 for the September 2011 Term. Appellants are permitted to prosecute the consolidated appeals upon nine copies of one record and one set of appellant's points covering the aforesaid appeals. The attention of the parties is directed to 22 NYCRR § 600.11.

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 March 10, 2011.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Roselyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-188

Ind. No. 2605N/09

Done Aquavivas Cruz, also known as
Cruz D. Aguavivas,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about July 23, 2010, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief.

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

It is ordered that the motion is granted to the extent of deeming the moving papers as a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, the amount and sources of funds to pay the fee of trial counsel, Andres Aranda, Esq., and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 March 10, 2011.

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

-----X
Musa Callistro, an Infant by his Mother
and Natural Guardian, Jessica Rivera,
Plaintiff-Appellant,

-against-

Michael W. Bebbington, M.D., et al.,
Defendants-Respondents.

M-137
M-219
Index No. 15816/07

-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about June 24, 2009, and from the judgment of said Court, entered on or about December 7, 2009, respectively,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the aforesaid judgment entered on December 7, 2009 (M-137),

And defendants-respondents having cross-moved to dismiss the plaintiff's appeals (M-219),

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

It is ordered that the plaintiffs' motion (M-137) is granted to the extent of enlarging the time in which to perfect the appeal from the judgment, entered on December 7, 2009, to the September 2011 Term, the appeal taken from the order of said Court, entered on June 24, 2009, having been subsumed by the appeal from the judgment. Defendants' cross motion (M-219), is granted to the extent of dismissing the appeal from the aforesaid judgment, entered on December 7, 2009, unless same is perfected for said September 2011 Term.

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 March 10, 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-494

Ind. No. 3750/06

Sheldon Harris,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about August 25, 2009,

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

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

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 March 10, 2011.

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

-----X
Lasalle Bank National Association,
as Trustee for Merrill Lynch First
Franklin Mortgage Loan Trust, etc.,

Plaintiff-Respondent,

-against-

M-525
Index No. 380148/09

Jean Martin,

Defendant-Appellant,

-and-

Brookhaven Servicing Corp., et al.,

Defendants.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about March 3, 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 September 2011 Term.

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 March 10, 2011.

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

-----X
Louis Lasky Memorial Medical and
Dental Center LLC,
Plaintiff-Appellant,

-against-

M-474
Index No. 603739/08

63 West 38th, LLC, et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 21, 2010,

And plaintiff-appellant having moved in the nature of a preliminary appellate injunction pursuant to CPLR 5518, enjoining defendant landlord from terminating its commercial lease, and for a stay tolling the 2010 termination notice pending hearing and determination of the aforesaid appeal, and for a preference in the hearing of said appeal,

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

Ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
David Friedman
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-209
Ind. No. 2771/09

Kenneth Morgan,
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 January 26, 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 moving papers 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.

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 March 10, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Alastair Onglingswan,

Plaintiff-Appellant,

-against-

Chase Home Finance, LLC, et al.,

Defendants-Respondents.
-----X

M-266
Index No. 115505/09

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about March 3, 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 September 2011 Term.

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 March 10, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Roselyn H. Richter, Justices.

-----X
Victor Townes,
Plaintiff-Respondent,

-against-

M-5932
Index No. 300449/08

Harlem Group, Inc. and Amadou Ndiaye,
Defendants-Appellants,

Sharon J. Allen,
Defendant.
-----X

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 7, 2010,

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

It is ordered that the motion is granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on March 10, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Maria Cognata,
Plaintiff-Respondent,

-against-

M-501
Index No. 602890/08

Next Management, LLC,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 6, 2010 (mot. seq. no. 006),

And defendant-appellant having moved for a stay 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, and the interim relief granted by an order of a Justice of this Court, dated February 2, 2011, is vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

-against-

Beth Squitieri,
Defendant-Appellant,

-and-

Wells Fargo Advisors, LLC,
Intervenor/Third-Party
Plaintiff/Respondent,

M-361
Index No. 350138/06

-against-

Jeffrey Squitieri, Beth Squitieri,
Law Offices of Susan Y. Kunstler,
et al.,
Third-Party Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 10, 2011 (mot. seq. no. 066),

And an order of a Justice of this Court having been entered on January 25, 2011 granting an interim stay of the aforesaid order pending hearing of a motion for stay before a full bench,

And defendant Beth Squitieri having moved for relief in the nature of a preliminary injunction enjoining Wells Fargo from intervening in the above referenced matter; for a stay of all proceedings pending hearing and determination of the aforesaid appeal, and for related relief,

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

It is ordered that the motion is denied, without prejudice to the designation of any material as sealed or confidential by the Supreme Court, and the interim relief granted by an order of a Justice of this Court, dated January 25, 2011, is hereby vacated.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
James M. Catterson
Rolando T. Acosta
Rosaly H. Richter, Justices.

-----X
2883 Third Avenue Realty Associates,
L.P. and I.S.J. Management Corp.,

Petitioners-Respondents,

-against-

M-6185
Index No. 260529/10

Rocio Cepeda,

Respondent-Appellant.
-----X

Respondent-appellant having moved for a stay of enforcement of the order of the Supreme Court, Bronx County, entered on or about September 22, 2010, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 10, 2011.

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

-----X
Armand Retamozzo,

Plaintiff-Appellant,

-against-

Diana Friedland, et al.,

Defendants-Respondents.
-----X

M-6146
M-50
Index No. 113920/09

Appeals having been purportedly taken from orders of the Supreme Court, New York County, entered on or about October 8, 2010 and on or about December 1, 2010 (mot. seq. no. 003),

And plaintiff having moved for leave to appeal to this Court from the aforesaid order entered on or about October 8, 2010 and to stay enforcement of certain portions of the order of said Supreme Court, entered on or about December 1, 2010 (M-6146),

And defendants-respondents having cross-moved to dismiss plaintiff's appeals (M-50),

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 plaintiff's motion (M-6146) is denied. Defendants' cross motion (M-50) is granted and plaintiff's appeals are dismissed, and the interim relief granted by a Justice of this Court on December 15, 2010 is hereby vacated.

ENTER:


CLERK

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

BEFORE: Hon. Angela M. Mazzarelli,
Justice of the Appellate Division

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

M-5486
Ind. No. 3996/99

-against-

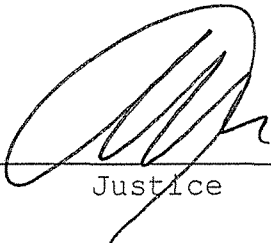
CERTIFICATE
DENYING LEAVE

George DeJesus,

Defendant.

-----X

I, Angela M. Mazzarelli, 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, Bronx County (Margaret L. Clancy, J.), entered on or about September 7, 2010, is hereby denied.



Justice

Dated: New York, New York

Entered: March 10, 2011

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

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-283
Ind. No. 4270/03

-against-

Thomas Daniels,
Defendant.

CERTIFICATE
DENYING LEAVE

-----X

I, David B. Saxe, 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 order of the Supreme Court, New York County, entered on or about October 19, 2010, is hereby denied.

Dated: New York, New York

Entered: March 10, 2011


Justice of the Appellate Division

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-360
Ind. No. 488/09

-against-

CERTIFICATE
DENYING LEAVE

Derris Stapleton, 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 October 25, 2010, is hereby denied.

Dated: New York, New York
February 28, 2011

Entered: March 10, 2011



Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

BEFORE: Hon. Sheila Abdus-Salaam
Justice of the Appellate Division

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

M - 354
Ind. No. 6344/2004

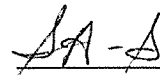
-against-

CERTIFICATE
DENYING LEAVE

Willie Richardson
Defendant.

-----X

I, Sheila Abdus-Salaam, 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 27, 2010 is hereby denied.



Associate Justice

Dated: March 1, 2011
New York, New York

ENTERED: March 10, 2011

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

BEFORE: Hon. Nelson S. Román
Justice of the Appellate Division

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

M-139
Ind. No. 4354/03

-against-

CERTIFICATE
DENYING LEAVE

Matthew Williams,

Defendant.

-----X

I, Nelson S. Román, 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, Bronx County, rendered on or about October 12, 2010 is hereby denied.



Associate Justice

Dated:
New York, New York

ENTERED: March 10, 2011

PM ORDERS

ENTERED ON

MARCH 10, 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 March 10, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Karla Moskowitz
Diane T. Renwick, Justices.

-----X
Carlos Miguel Reyes,

Petitioner,

-against-

Danielle Mainardi,

Respondent.
-----X

M-901
File No. 113364
Docket No. V32093/10

Respondent having moved pursuant to 5704(a), for an order of this Court granting a temporary restraining order staying supervised visitation between petitioner and the subject child, said relief having been denied by a Justice of the Supreme Court, New York County, on or about February 18, 2011,

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 staying all visitation between the petitioner and the subject child pending, and without prejudice to, further proceedings in Supreme Court, New York County.

ENTER:



Clerk.