

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 29, 2011.

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

-----X
William Kyle, et al.,
Plaintiffs-Appellants,

-against-

Heiberger & Associates, P.C., et al.,
Defendants-Respondents,

M-403
M-518
Index No. 300760/07

736 Riverside Dr., LLC and
Ronald P. Hart, Esq.
Defendants-Respondents.
-----X

Defendant-respondent 736 Riverside Dr., LLC having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 27, 2009 (M-403),

And defendant-respondent Ronald P. Hart, Esq., having cross-moved for the same relief (M-518),

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

It is ordered that the motion and cross motion are granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

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

Respondent,

-against-

M-706

Ind. No. 2354/08

Rodney Samuels,

Defendant-Appellant.
-----X

Respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about May 5, 2009,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2011.

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

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

-against-

M-755
Ind. No. 2443/08

Gilbert Cameron, also known as
Gilbert O. Cameron,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 4, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 29, 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-762
Ind. No. 149/10

Wayne Dickinson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 19, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 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-774
Ind. No. 4869/09

Jeremiah Herbert,
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2011.

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

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

-against-

M-785
Ind. No. 1798/10

Allen Mack,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 30, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 29, 2011.

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

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

-against-

M-787
Ind. No. 5108/08

Elvis Nunez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 30, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 29, 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-792
Ind. No. 1406/09

Quavas Sims,
Defendant-Appellant.

-----X

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

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 March 29, 2011.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-633

Ind. No. 1381/09

Randy Gutierrez,

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 August 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, 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.)

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 29, 2011.

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

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

Respondent,

-against-

M-4287A
Ind. No. 3440/09

Luis Ayala,

Defendant-Appellant.
-----x

Orders of this Court having been entered on September 21, 2010 (M-3924) and October 21, 2010 (M-4287), inter alia, granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 30, 2010, and assigning Richard M. Greenberg, Esq. and Steven Banks, Esq., respectively, as counsel to prosecute the appeal,

Now, upon the Court's own motion,

It is ordered that the order of this Court entered on October 21, 2010 (M-4287) is recalled and vacated. The order of this Court entered September 21, 2010 (M-3924), remains in effect.

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 29, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
Rosalyn H. Richter, Justices.

-----X
Marsha Zimbler, etc., et al.,
Plaintiffs-Respondents,

-against-

Resnick 72nd St Associates, etc.,
Defendant,

M-165
M-226
Index No. 150016/06

The Board of Managers of the
Oxford on Seventy Second, et al.,
Defendants-Appellants,
-----X

Defendants-appellants Board of Managers of the Oxford on Seventy Second and Brown Harris Stevens Residential Management, LLC having moved for reargument of the decision and order of this Court entered on December 28, 2010 (Appeal No. 3623) [M-165],

And defendant-appellant The Fitness Company having moved for the same relief [M-226],

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

It is ordered that the motions are 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 29, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
James M. Catterson
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of

Lovado Adams,
Plaintiff-Appellant,

-against-

M-683
Index No. 250760/08

NYS Division of Human Rights,
Defendant-Respondent.

-----X

An order of this Court having been entered January 11, 2011 (M-5532), denying plaintiff-appellant's motion for various relief in connection with the appeal from the order of the Supreme Court, Bronx County, entered on January 15, 2010, and sua sponte dismissing the aforesaid appeal,

And plaintiff-appellant having moved for reconsideration of the aforesaid order of this Court (M-5532),

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 29, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam,
Nelson S. Román, Justices.

-----X

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

Steven R.,
Petitioner-Respondent,

M-826
Docket No. V14744-08/08A

-against-

Maribel P.,
Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about September 9, 2009,

And an order of this Court having been entered on June 15, 2010 (M-1494) granting poor person relief and assigning Randall Carmel, Esq., as counsel on the appeal,

And respondent-appellant having moved to withdraw the aforesaid appeal, and to vacate the order assigning said counsel on the appeal,

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

Ordered that the motion is granted and respondent's appeal is withdrawn. So much of the motion seeking to vacate the aforesaid order entered June 15, 2010 (M-1494) granting poor person relief and the assignment of counsel is granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2011.

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

-----X

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

M-686
Index No. 100138/07

-against-

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

-----X

Defendant-respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about January 12, 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 March 29, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
Diane T. Renwick
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Isaiah D.,

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

M-451
Docket No. B18121/08

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

Shawana D.,
Respondent-Appellant.

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

-----X
Petitioner Agencies having renewed their motion for
dismissal of the appeal taken from the order of the Supreme
Court, Bronx County, entered on or about November 9, 2009,

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

It is ordered that the motion is granted.

ENTER:


CLERK

At a term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2011.

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

-----X
Julias A. Nasso & Associates Concrete Corp.,
Plaintiff-Respondent,

-against-

M-52
Index No. 600137/09

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

-----X

Defendants-appellants having moved for clarification of this Court's order entered on December 7, 2010 (Appeal No. 3811),

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 29, 2011.

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

-----X
Julio Quintana,
Plaintiff-Appellant,

-against-

New York City Housing Authority,
et al.,
Defendants-Respondents.

M-565
Index No. 108649/08

-----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 April 26, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 29, 2011.

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

-----X
Wings Manufacturing Corporation,
Plaintiff-Appellant,

-against-

Great American Insurance Company
of New York,
Defendant-Respondent.

M-611
Index No. 602633/08

-----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 November 13, 2009 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to 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 29, 2011.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick, Justices.

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

-against-

Eddie Badia,
Defendant-Appellant.

SEALED
M-657
Ind. No. 7034/04

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 2, 2006, having moved for an extension of time to file a pro se supplemental brief, or for alternative relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before July 11, 2011 for the September 2011 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned. The motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
GoSmile, Inc., etc.,
Plaintiff-Appellant,

-against-

M-271
Index No. 601148/09

Jonathan B. Levine, D.D.S., etc.,
Defendant-Respondent.
-----X

Defendant-respondent having moved for reargument of the decision and order of this Court entered on December 21, 2010 (Appeal No. 3642-3642-A),

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 29, 2011.

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

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

- - - - -
Hezekiah L.,

Petitioner-Respondent,

-against-

M-248
Docket No.
G-14635-04/07A

Pamela A. L., also known as
Pamela L. - T.,

Respondent-Appellant.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about November 30, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, 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 therefor¹ **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

¹Service 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 March 29, 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

Cerenithy Ecksthine B. and
Christialys Adonai B. B.,

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

M-597

Docket Nos.
NN-19750-51/10

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

Christine B.,
Respondent-Appellant.

- - - - -
Elizabeth Callahan, Esq.,
Attorney for the Children.

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of fact-finding from the Family Court, New York County, entered on or about February 1, 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, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 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 therefor¹ **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

¹Service 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 March 29, 2011.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-416
Ind. No. 2681/09

Kemar Gayle,

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 16, 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 pay the fee of trial counsel, Richard Wright, Esq., and to post the \$3,000 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

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 29, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Diane T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Application
of Robert Doar, as the Commissioner
of Social Services of the City of
New York,
Petitioner-Respondent,

M-563
Index No. 402814/10

For the Appointment of a Guardian
of the Personal Needs and Property
Management of

Alan Mickens,

A Person Alleged to be Incapacitated,
Respondent-Appellant.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 20, 2010, which determined respondent to be a person in need of the appointment of a guardian,

And respondent-appellant having moved for an order staying the aforesaid order and judgment (one paper) of the Supreme Court, entered on or about December 20, 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 in the County of New York on March 29, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X

Pauline Henry,

Plaintiff-Respondent,

-against-

Fieldstone Operating, LLC, et al.,

Defendants-Appellants.

-----X

M-604
Index No. 14710/07

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 21, 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 denied and the interim relief granted by an order of a Justice of this Court dated February 9, 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 in the County of New York on March 29, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X

V.W.,
Plaintiff-Respondent,

-against-

M-5366
M-5510
Index No. 305951/10

M.D.,
Defendant-Appellant.

-----X

Defendant-appellant having moved (M-5366) for a stay of proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 26, 2010,

And plaintiff-respondent having cross moved (M-5510) to dismiss the appeal as moot,

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

It is ordered that the motion to stay is denied (M-5366). The cross-motion to dismiss the aforesaid appeal is granted, said appeal having been superseded by a subsequent order of the same Court and Justice (M-5510).

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 29, 2011.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
David Friedman
Karla Moskowitz
Nelson S. Román, Justices.

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

-against-

M-602
Ind. No. 1549/09

Joseph Richards,
Defendant-Appellant.

-----x

Defendant having renewed the 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 April 7, 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 9 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2011.

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

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

-against-

M-507
Ind. No. 5702/09

Weston Coote,
Defendant-Appellant.

-----x

Defendant having renewed the 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 May 12, 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 9 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
David Friedman
Karla Moskowitz
Nelson S. Román, Justices.

-----X
DHL Express (U.S.A.) Inc.,
Plaintiff-Respondent,

-against-

Pow Wow Inc.,
Defendant-Appellant.

M-368
Index No. 570860/09

-----X

Defendant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about November 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 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 29, 2011.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-541
Ind. No. 1132/10

Edgar Imbert,

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 22, 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 to post the \$10,000 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

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 29, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
David Friedman
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

In the Matter of the Application for the Guardianship and Custody of

Jemari A. O.,

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

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

M-5816A
Docket No. B8252/10

Jarmila O., also known as Jarmila M. O.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of commitment of the Family Court, Bronx County, entered on or about October 12, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, New York 10007, Telephone No. 212-233-0318, 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 therefor¹ **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.** The order of this Court entered on February 1, 2011 (M-5816) is hereby recalled and vacated.

ENTER:



CLERK

¹Service 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 March 29, 2011.

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

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

Blerim M.,
Petitioner-Respondent,

-against-

M-378
Docket No.
V-03040-43/06-06A

Raquel M.,
Respondent-Appellant.

-----X
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about December 1, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 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 therefor¹ **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**

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

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:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written in a cursive style.

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2011.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

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

-against-

M-326
Ind. No. 1635/02

Pablo Almonte,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 19, 2003,

And defendant-appellant having moved for an order enlarging the record on appeal to include, and release to defendant's assigned counsel, Steven Banks, Esq., transcripts of the 1989 and 1998 Grand Jury proceedings and the District Attorney's ex parte submission in opposition to a motion to dismiss the indictment below, with leave to defendant to file a supplemental brief within thirty (30) days of the receipt of the aforementioned additional materials, if counsel is so advised,

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 record on appeal to include, and directing the People to provide to assigned counsel, Steven Banks, Esq., the aforementioned materials, as set forth in detail in assigned counsel's moving papers, with leave to file a supplemental brief, if so advised, on or before July 11, 2011 for the September 2011 Term of this Court, to which Term the appeal is adjourned.

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 29, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Ramona Tolliver,
Petitioner,

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

M-605
Index No. 400040/10

-against-

New York City Housing Authority,
et al.,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about May 4, 2010, to review a determination of Respondent,

And respondent having moved for dismissal of the aforesaid proceeding, for failure to timely prosecute,

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 proceeding is dismissed.

ENTER:


CLERK

PM ORDERS
ENTERED ON
MARCH 29, 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 29, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Nelson S. Román, Justices.

-----x
Rosario Sebastiano and Allesandro
Sebastiano,
Plaintiffs-Respondents-Appellants,

-against-

M-831
Index No. 20936/05

New York City Transit Authority,
Defendant-Appellant-Respondent.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about January 13, 2010,

And defendant-appellant-respondent having moved for an enlargement of time in which to perfect the direct appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the respective appeal and cross appeal to the June 2011 Term, in accordance with the following briefing schedule. Defendant-appellant's brief is to be served and filed on or before April 11, 2011; respondents cross-appellants' brief is to be served and filed on or before May 9, 2011; defendant-appellant's reply brief to be served and filed on or before May 18, 2011; and respondents cross-appellants' sur-reply brief, if any, to be served and filed on or before May 27, 2011, for said Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----x

HearUSA, Inc.,

Plaintiff,

-against-

M-1369

Index No. 650303/11

Siemens Hearing Instruments, Inc.,

Defendant.

-----x

Plaintiff having moved for relief in the nature of temporary restraining order enjoining defendant from declaring plaintiff to be in default under a certain credit agreement between the parties, from engaging in self help to collect any amounts due under the aforesaid credit agreement, inclusive of any efforts to seize assets or take control of plaintiff's business, pending hearing and determination of plaintiff's motion for a preliminary injunction *sub judice* in Supreme Court, New York County,

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 deemed one for relief in the nature of relief pursuant to CPLR 5704(a) and, as such the motion is granted to the extent of staying, pending hearing and determination of either plaintiff's motion for a preliminary injunction or defendant's motion to dismiss presently *sub judice*, in Supreme Court, New York County, defendant from exercising its rights under the aforementioned credit agreement to seize, levy upon, or liquidate plaintiff's assets or otherwise seeking to enforce its default notice and acceleration demand, on condition

plaintiff continues to make all payments currently due under the credit agreement, exclusive of the disputed amount related to the so called Canadian transaction, all without prejudice to the aforesaid proceedings *sub judice* in Supreme Court, New York County.

ENTER:



CLERK