

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 February 23, 2010.

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

-----X  
Hector Santiago,  
Plaintiff-Respondent,

-against-

M-405X  
Index No. 17472/06

Luis Cusco and Gamma of New York,  
Inc.,  
Defendants-Appellants.

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, entered on or about August 18, 2009,

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clérk.

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 February 23, 2010.

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

-----X  
Abba E. Borowich,  
Plaintiff-Respondent,

-against-

M-406X  
Index No. 602063/08

Larry Rosenthal,  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about October 27, 2009,

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

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

-----X  
Jose Hernandez,  
Plaintiff-Respondent,

-against-

M-407X  
Index No. 115207/03

701 West Associates, LP, et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 22, 2009 (mot. seq. no. 005),

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

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

-----X  
In the Matter of

Anastasia Linda H.,

A Dependent Child under 18 Years of Age Pursuant to §384-b of the Social Services Law of the State of New York. M-419  
Docket No. B4284/08

-----  
The Children's Aid Society, et al.,  
Petitioners-Respondents,

Precious Elizabeth P.,  
Respondent-Appellant.

-----  
Steven Banks, Esq.,  
Law Guardian for the Child.  
-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about May 21, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated January 7, 2010, and due deliberation having been had thereon,

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

ENTER:   
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

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

-----X  
Acadia-P/A 161st Street LLC,  
Plaintiff-Respondent,

-against-

M-428X  
Index No. 102663/07

Proskauer Rose LLP and Ronald D.  
Sernau,  
Defendants-Appellants,

Marisa D. Levinson,  
Defendant.

-----X  
(And other actions)

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 17, 2009 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 25, 2010, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

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

-----X  
Theodora Greenbaum,  
Plaintiff-Respondent,

-against-

M-430X  
Index No. 101652/07

Duane Reade,  
Defendant-Appellant,

Cintas Corporation,  
Defendant.

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

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 3, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 25, 2010, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

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

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

Elizabeth Bregman,  
Petitioner-Appellant,

For a Judgment Pursuant to CPLR 5225(b)  
and 5227,

-against-

M-474X  
Index No. 111953/08

NBC Universal, Inc.,  
Respondent-Respondent,

-and-

Bregman Productions, Inc.,  
Mayfair Productions, Ltd.  
and Mikriss Productions, Ltd.,  
Intervenors.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 17, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 26, 2010, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

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

-----X  
Alcon Builders Group, Inc.,  
Plaintiff-Respondent,

-against-

M-475X  
Index No. 602584/06

U.S. Underwriters Insurance Company,  
Defendant,

National Union Fire Insurance Company  
of Pittsburgh, Pa.,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, an New York County, entered on or about October 29, 2008 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 26, 2010, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

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

-----X  
Andrzej Konieczny,  
Plaintiff-Respondent,

-against-

M-476X  
Index No. 111640/05

Moklam Enterprises, Inc., et al.,  
Defendants,

Alcon Building Group, Inc.,  
Defendant-Appellant.

-----X  
(And other actions)  
-----X

An appeal having been taken from orders of the Supreme Court, New York County, entered on or about January 13, 2009 (mot. seq. nos. 003, 004, 005 and 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 26, 2010, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

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

-----X  
Kim Wickers,  
Plaintiff-Appellant,

-against-

M-477X  
Index No. 312286/07

David Shapiro,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 13, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 26, 2010, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

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

-----X  
Alain Sinturel,  
Plaintiff-Respondent,

-against-

M-478X  
Index No. 350064/08

Catherine Sinturel,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 24, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 26, 2010, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

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

-----X  
The Supporting Cast, Inc.,  
Plaintiff-Appellant,

-against-

M-493X  
Index No. 602352/08

Debbie Kim and Solomon-Page Group,  
LLC,  
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 29, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 27, 2010, and due deliberation having been had thereon,

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

ENTER:

  
Clérk.

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 February 23, 2010.

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

-----X  
Christine L. Parker,  
Plaintiff-Respondent,

-against-

M-670  
Index No. 117782/06

Sam Ferker,  
Defendant-Respondent,

John David Klinger,  
Defendant-Appellant.

-----X  
Sam Ferker,  
Third-Party Plaintiff-Respondent,

-against-

Index No. 590064/07

John David Klinger,  
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 24, 2009 (mot. seq. no. 002), and said appeal having been perfected,

Now, upon reading and filing the stipulation(s) of the parties hereto, filed February 8, 2010, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid stipulation. (See M-5534, decided simultaneously herewith.)

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Christine L. Parker,  
Plaintiff-Respondent,

-against-

M-5534  
Index No. 117782/06

Sam Ferker,  
Defendant-Respondent,

John David Klinger,  
Defendant-Appellant.

-----X  
Sam Ferker,  
Third-Party Plaintiff-Respondent,

-against-

Index No. 590064/07

John David Klinger,  
Third-Party Defendant-Appellant.

-----X

Defendant-appellant/third party defendant-appellant John David Klinger having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 24, 2009 (mot. seq. no. 002),

Now, upon reading and filing the papers with respect to the motion and the stipulation of the parties hereto, filed December 16, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn. (See M-670, decided simultaneously herewith.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
David B. Saxe  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

-----X  
Lynn Weinstein,

Plaintiff-Respondent,

-against-

M-4796  
Index No. 350004/00

David Weinstein,

Defendant-Appellant.  
-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from a an order of the Supreme Court, New York County, entered on or about March 20, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated October 12, 2009, with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. McGuire  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-37  
Ind. No. 5361/09

Dwinel Monroe,  
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 October 21, 2009, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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 February 23, 2010.

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

-----X  
Ana Collazo,

Plaintiff-Appellant,

-against-

M-5815  
Index No. 102998/03

Madison Square Garden, L.P., et al.,

Defendants-Respondents.  
-----X

An order of this Court having been entered on November 12, 2009 (M-4382) granting respondents' motion and dismissing plaintiff-appellant's appeals taken from the order of the Supreme Court, New York County, entered on or about March 13, 2008 (mot. seq. no. 002), and from the judgment entered thereon or about August 20, 2009,

And plaintiff having moved for reconsideration of the order of this Court entered on November 12, 2009 (M-4382), 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 deemed one for reargument and, as such, 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 February 23, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
Karla Moskowitz  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Izabella Shvets, individually and on  
behalf of Via Café, LLC and Victor  
Invantechenko,  
Plaintiff-Respondent,

-against-

M-5785  
Index No. 603458/05

Andrei Lazarev, Alex Faynshteyn,  
Samvel Gezlian and Albert Feinstein,  
Defendants-Appellants.

-----X  
Defendants-appellants having moved in the nature of a preliminary appellate injunction staying the New York City Department of Finance from releasing to plaintiff a certain posted undertaking, less fees and commissions, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 22, 2009 (mot. seq. no. 007),

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before March 22, 2010 for the June 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

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 February 23, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Leland G. DeGrasse  
Helen E. Freedman  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
In the Matter of the Application of  
Terence Boddie,  
Petitioner-Appellant,

For a Judgment, etc.,

M-634  
Index No. 401320/08

-against-

New York City Housing Authority,  
Application and Tenancy Administration  
Department,  
Respondent-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 15, 2008, and said appeal having been perfected,

And respondent having moved for an order enlarging the record on appeal to include respondent's Verified Answer and Respondent's Memorandum of Law in Support of its Verified Answer,

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 respondent to immediately serve and file a supplemental record consisting of the aforesaid documents at the time of filing the respondent's brief for the April 2010 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 February 23, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David Friedman  
Eugene Nardelli  
James M. Catterson, Justices.

-----X  
Muriel Karas,

Plaintiff-Appellant,

-against-

Christopher T. Coad, M.D., et al.,

Defendants-Respondents.  
-----X

M-52  
M-303  
Index No. 103788/07

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeals taken from orders of the Supreme Court, New York County, entered on or about December 15, 2008 (mot. seq. no. 003) and on or about March 2, 2009 (mot. seq. no. 005) and from the judgment of said Court, entered on or about March 26, 2009, for leave to have the appeals heard upon the original record(s) and upon a reproduced appellant's brief, for an enlargement of time in which to perfect said appeals, and for a stay, pending hearing and determination of the appeals, and for other relief (M-52),

And defendants-respondents having cross-moved to dismiss the aforesaid appeals (M-303),

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 is granted to the extent of permitting the appeals, which are sua sponte consolidated, to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record(s). The time in which to perfect the appeals is enlarged to on or before March 22, 2010 for the June 2010 Term. The motion is otherwise denied. The cross 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 February 23, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----x  
James Williams,

Plaintiff-Appellant,

-against-

The City of New York, et al.,

Defendants-Respondents.  
-----x

M-282  
Index No. 104676/07

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 17, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2010 Term, with no further enlargements to be granted.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----x  
Yi He Wu,

Plaintiff-Respondent,

-against-

2 Gold, LLC and 95 Maiden Lane, LLC,

Defendants-Appellants.  
-----x

✓  
M-186  
Index No. 104762/07

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about September 24, 2009 (mot. seq. no. 001),

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:

*David Apolony*  
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 February 23, 2010.

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

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

Respondent,

-against-

M-88  
Ind. No. 657/08

Malik Conry,

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 3, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$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.)

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 February 23, 2010.

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

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

Respondent,

-against-

M-140  
Ind. No. 3742/05

Thomas Purdy,

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 18, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$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.)

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 February 23, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
Larry Gribler, suing both individually  
and as controlling shareholder of  
Three Amigos SJL, Inc., doing business  
as Cheetahs Gentlemen's Club,  
Plaintiffs-Appellants,

M-258  
Index No. 603794/07

-against-

Shirell Weisblat, also known as Shriell  
Weisblat, et al.,  
Defendants-Respondents.  
-----X

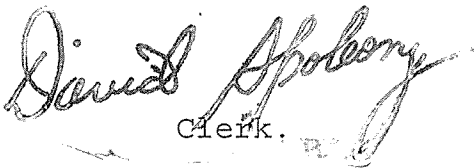
An appeal having been taken by plaintiffs from the orders of the Supreme Court, New York County, entered on or about January 28, 2009 and on or about June 29, 2009, and said appeal having been perfected,

And plaintiffs having now moved to stay the aforesaid orders of Supreme Court, New York County, with respect to the appointment of a receiver, pending hearing and determination of 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 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 February 23, 2010.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----x  
Astoria Federal Savings & Loan  
Association/Fidelity New York FSB,  
Plaintiff,

-against-

Marilyn Lane,  
Defendant-Appellant,

M-5857  
M-110  
M-173

Index Nos. 133779/94  
133781/94

Frances Turner, et al.,  
Intervenors-Defendants-Respondents.  
-----x

A decision and order of this Court having been entered on July 7, 2009 (Appeal No. 408), unanimously affirming an order of the Supreme Court, New York County (Alice Schlesinger, J.), entered on December 9, 2008,

And by order entered October 15, 2009, appellant's motion for leave to appeal to the Court of Appeals having been denied by the Court of Appeals,

And by order entered on December 17, 2009, the Court of Appeals having denied reargument of the aforesaid denial of leave entered on October 15, 2009,

And defendant-appellant having moved for a decision and order of this Court which would finally determine the action within the meaning of the Constitution for purposes of an appeal to the Court of Appeals (M-5857),

And intervenors-defendants-respondents Frances Turner (M-110) and Antoninus and Mercedes Marchena (M-173) having cross-moved, by separate motions, for the imposition of sanctions against defendant-appellant for frivolous conduct pursuant to 22 NYCRR § 130-1.1, and for related relief,

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

It is ordered that the motion and cross motions are denied.

ENTER:

*David Apolony*  
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 February 23, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman, Justices.

-----X  
City of Tallahassee Retirement System,  
Plaintiff-Appellant,

-against-

Daniel F. Akerson, Charlene Barshefsky, M-352  
Ursula M. Burns, Kenneth I. Chenault, Index No. 601535/08  
Jan Leschly, Richard A. McGinn, Edward  
D. Miller, Robert C. Levin, Steven S.  
Reinemund, Ronald A. Williams, Frank P.  
Popoff, Peter R. Dolan, William G. Bowen,  
F. Ross Johnson, Edwin L. Artzt, Robert L.  
Crandall, Harvey Golub, Drew Lewis and  
American Express Company,  
Defendants-Respondents.

-----X

Defendant-respondent American Express Company having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, entered on or about November 9, 2009,

Now, upon reading and filing the papers with respect to the motion and the stipulation of the parties hereto, dated January 25, 2010, with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is 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 February 23, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Application of  
  
Transcorp Construction Corp.,  
Petitioner-Respondent,

For a Judgment Pursuant to Article 75  
of the CPLR,

-against-

M-80  
Index No.602996/08

2093 Amsterdam Avenue, HDFC,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeals from an order of the Supreme Court, New York County, entered on or about April 1, 2009 (mot. seq. no. 001) and from a judgment of the same Court and Justice entered April 8, 2009, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals to the June 2010 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 February 23, 2010.

Present: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Julio Bobet,  
Plaintiff-Respondent,

-against-

M-209  
Index No. 110819/04

Rockefeller Center, North, Inc.,  
and Time, Inc.,  
Defendants-Appellants,

Restaurants Associates, Inc.,  
et al.  
Defendants.

-----X  
(And other actions)  
-----X

Defendants-appellants/third-party plaintiffs 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 23, 2009 (mot. seq. no. 005),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2010 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 February 23, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

The City of New York; Commissioner James F. Hanley, as Commissioner of the New York City Mayor's Office of Labor Relations; and Commissioner Thomas R. Frieden, as Commissioner of the New York City Department of Health and Mental Hygiene,  
Petitioners-Respondents,

For a Judgment Pursuant to Article 75 of the CPLR,

-against-

M-280  
Index No. 407245/07

District Council 37 AFSCME, AFL-CIO; Lillian Roberts, as the Executive Director of District Council 37 AFSCME, AFL-CIO; Local 768, District Council 37 AFSCME, AFL-CIO; Darryl Ramsey, as President of Local 768, District Council 37 AFSCME, AFL-CIO,  
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about March 20, 2009 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2010 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 February 23, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Lorraine Smith,  
Plaintiff-Appellant,

-against-

M-400  
Index No. 105971/05

125th Street Gateway Ventures, LLC,  
Defendant-Respondent.

-----X  
125th Street Gateway Ventures, LLC,  
Third-Party Plaintiff-Respondent,

-against-

The City of New York,  
Third-Party Defendant.

-----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 March 2, 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 June 2010 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 February 23, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Kenzie Godfrey,  
Plaintiff-Respondent-Appellant,

-against-

M-296  
Index No. 7963/02

G.E. Capital Auto Lease, Inc.,  
Dawn M. Altieri and Larissa Sgarlato,  
Defendants-Respondents,

-and-

Balhar Singh, Reshma Singh and  
Boateng Adjei,  
Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about April 30, 2009,

And defendants-appellants-respondents 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 of the respective parties in which to perfect the appeal and cross appeal to the June 2010 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 February 23, 2010.

Present - Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman  
Nelson S. Román, Justices.

-----x  
Andamion Murataj,  
Plaintiff-Appellant,

-against-

M-510  
M-619  
Index No. 400095/06

Dream Dragon Productions, Inc.,  
et al.,  
Defendants-Respondents.

-----x

Appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about January 28, 2009 (mot. seq. no. 010) and on or about January 29, 2009 (mot. seq. no. 011), and said appeal having been perfected,

And plaintiff-appellant having moved for an enlargement of the record on appeal (Exhibits A-D to the moving papers) [M-510],

And defendants-respondents having cross-moved to strike portions of the record on appeal [M-619],

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 is granted and plaintiff-appellant is directed to immediately file a supplemental record on appeal containing the aforementioned exhibits. The cross motion is denied, without prejudice to defendants-respondents addressing the issue upon argument of the 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 February 23, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Sinclair & Company, LLC,  
Plaintiff-Respondent,

-against-

Pursuit Investment Management LLC,  
Defendant-Appellant.

M-210  
Index No. 602684/09

-----X  
Defendant-appellant having moved for a stay of all proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 11, 2010 (mot. seq. no. 001),

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 March 22, 2010 for the June 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

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 February 23, 2010.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman, Justices.

-----x  
Andrew Turchin,

Plaintiff-Respondent,

-against-

M-377  
Index No. 310049/07

Yana Turchin, now known as Tana  
Kondak,

Defendant-Appellant.  
-----x

Separate appeals having been taken to this Court from the orders of the Supreme Court, New York County, both entered on or about January 4, 2010,

And defendant-appellant having moved for a stay of enforcement of the order which requires the subject child to submit to genetic marker testing pending hearing and determination of the aforesaid appeals, and for consolidation of the 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 appeals are consolidated and appellant is permitted to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the appeals, and it is further,

Ordered that the stay is granted on condition the consolidated appeals are perfected on or before March 22, 2010 for the June 2010 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 February 23, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Zeng Xi Chen,  
Plaintiff-Appellant,

-against-

M-5640  
Index No. 102148/06

Jeffrey Spitz and Bernard Spitz,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a stay of all proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 2, 2009 (mot. seq. no. 004),

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 March 22, 2010 for the June 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

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 February 23, 2010.

Present - Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
Christopher I. Georgakis,  
Plaintiff-Respondent,

- against -

. M-159  
Index No. 650322/08

Excel Maritime Carriers Ltd.,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court by the above-named defendant from the order of the Supreme Court, New York County, entered on or about October 28, 2009 (mot. seq. no. 001),

And NYSE Euronext having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of deeming the amicus curiae briefs submitted with the moving papers as filed.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 23, 2010.

Present - Hon. David Friedman, Justice Presiding,  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X  
DRK, LLC, et al.,  
Plaintiffs-Respondents,

-against-

M-455  
Index No. 114856/06

The Burlington Insurance Company,  
Defendant-Appellant.  
-----X

Appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about August 7, 2009 (mot. seq. no. 001) and December 22, 2009 (mot. seq. no. 002), respectively,

And defendant-appellant having moved, inter alia, pursuant to CPLR 5519(c), for a stay of enforcement of the order entered December 22, 2009 pending hearing and determination of the appeal taken therefrom; 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 on condition defendant-appellant posts an undertaking in the amount of \$25,000 and perfects the appeals, which are sua sponte consolidated, on or before March 22, 2010 for the June 2010 Term. Upon failure to meet either condition, an order vacating the stay may be entered ex parte, provided that plaintiffs-respondents serve a copy of this order upon defendant-appellant within 10 days after the date of entry hereof.

ENTER:

  
Clerk

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

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

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

M-372  
Ind. No. 949/07

-against-

CERTIFICATE  
DENYING LEAVE

Alberto Sanchez,

Defendant.

-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 16, 2009 (Richard D. Carruthers, J.) is hereby denied.

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

Dated: February 11, 2010  
New York, New York

ENTERED: FEB 23 2010



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

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

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

M-4090

Ind. No. 1561/04

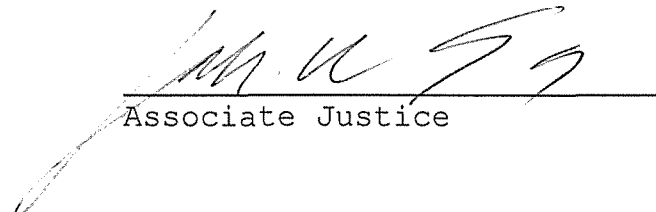
-against-

CERTIFICATE  
DENYING LEAVE

Freddie Velasquez,

Defendant.  
-----X

I, John W. Sweeny, Jr., a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about July 31, 2009 (Megan Tallmer, J.) is hereby denied.

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

Dated: February 8, 2010  
New York, New York

ENTERED: FEB 23 2010

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

BEFORE: Hon. Helen E. Freedman  
Justice of the Appellate Division

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

M -202  
Indictment. No.  
2309/07


-against-

CERTIFICATE  
DENYING LEAVE

DEVIN RICHARDSON,

Defendant.  
-----X

I, Helen E. Freedman, 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 the Criminal Procedure Law §§ 450.15 & 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, entered on or about April 14, 2009 is hereby denied.

  
\_\_\_\_\_  
Hon. Helen E. Freedman  
Associate Justice

Dated: February 9, 2010  
New York, New York

ENTERED: FEB 23 2010

FEB 23 2010

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT

Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. McGuire  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----x

In the Matter of Raymond B. Harding,  
an attorney and counselor-at-law:

Departmental Disciplinary Committee M-5202  
for the First Judicial Department,  
Petitioner,

Raymond B. Harding,  
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental  
Disciplinary Committee for the First Judicial Department.  
Respondent, Raymond B. Harding, was admitted to the Bar of  
the State of New York at a Term of the Appellate Division of  
the Supreme Court for the First Judicial Department on  
December 11, 1961.

Alan W. Friedberg, Chief Counsel, Departmental  
Disciplinary Committee, New York  
(Mady J. Edelstein, of counsel), for petitioner.

Kramer Levin Naftalis & Frankel LLP  
(Gary P. Naftalis and David S. Frankel, of counsel),  
for respondent.

M-5202 (December 14, 2009)

IN THE MATTER OF RAYMOND B. HARDING, AN ATTORNEY

PER CURIAM

Respondent Raymond B. Harding was admitted to the practice of law in the State of New York by the First Judicial Department on December 11, 1961. At all times relevant herein, respondent has maintained an office for the practice of law within the First Department.

On October 6, 2009, respondent pleaded guilty in Supreme Court, New York County, to one count of violating General Business Law § 352-c(6), a class E felony, and one count of violating General Business Law § 352-c(1) and (c)(4), a class A misdemeanor. Respondent, the one-time leader of New York's Liberal Party, admitted during his plea allocution, *inter alia*, that from June 2003 through July 2008 he wrongfully obtained more than \$800,000 in state pension investment fees from the fraudulent sale of securities as placement agent on certain investment transactions of named funds with the New York State Retirement Fund. Respondent stated that during Alan Hevesi's tenure as State Comptroller, Hevesi's political advisor inserted respondent as placement agent on certain investment transactions with the New York State Common Retirement Fund, so that he could receive hundreds of thousands of dollars in fees as reward for his political support of Hevesi.

In light of respondent's felony conviction, the Departmental Disciplinary Committee (Committee) seeks an order, pursuant to Judiciary Law § 90(4)(b), striking respondent's name from the roll of attorneys.

Respondent, through counsel, does not oppose the motion and states that respondent's plea agreement contemplates that upon completion of his cooperation with the Attorney General's investigation, respondent will be permitted to withdraw his plea to the felony charge, leaving only his plea to the misdemeanor charge. At such time, respondent intends to petition the Court to vacate the order of disbarment and apply for reinstatement.

Since respondent was convicted of a criminal offense classified as a felony in New York (see Judiciary Law § 90(4)(e), he automatically ceased to be an attorney by operation of law upon entry of his guilty plea and his name should be stricken from the roll of attorneys pursuant to Judiciary Law § 90(4)(b) (see *Matter of Barta*, 49 AD3d 141 [2008]).<sup>1</sup> Accordingly, the Committee's petition should be granted and respondent's name stricken from the roll of attorneys and counselors-at-law in the State of New York, *nunc pro tunc* to October 6, 2009.

All concur.

Order filed.

---

<sup>1</sup>For purposes of disbarment, conviction occurs at the time of plea (see *Matter of Chilewich*, 20 AD3d 109 [2005]).

**PM ORDERS**

**ENTERED**

**FEBRUARY 18, 2010**

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 February 18, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Helen E. Freedman  
Nelson S. Román, Justices.

-----x  
Cornealius Campbell,

Plaintiff-Respondent,

-against-

Anita Brown Campbell,

Defendant-Appellant.  
-----x

M-523  
M-524  
Index No. 303309/04

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 20, 2008, and said appeal having been perfected,

And defendant-appellant having moved to enlarge the record on appeal to include certain documents,

And plaintiff-respondent having cross-moved for an extension of time to file a respondent's brief,

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 is denied. The cross motion is granted and plaintiff-respondent is directed to file a respondent's brief on or before March 3, 2010 for the April 2010 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 February 18, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzairelli  
Eugene Nardelli  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----x  
Gilbert Lau,

Plaintiff-Appellant,

-against-

S&M Enterprises, et al.,

Defendants-Respondents.  
-----x

M-256  
Index No. 120300/03

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 9, 2005, and said appeal having been perfected,

And plaintiff-appellant having moved for an extension of time in which to file a reply brief,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk