

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

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

-----X  
Edward Frieman,  
Plaintiff-Respondent,

-against-

M-2296X  
Index No. 311639/99

Sheila Horn,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 7, 2009 (mot. seq. no. 010),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 3, 2010.

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

-----X  
Noble Bleasdell and Pamela  
Bleasdell,  
Plaintiffs-Respondents,

-against-

M-2230X  
Index No. 100791/07

Broadway-Inwood Corp.,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 4, 2009 (mot. seq. no. 001),

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

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

-----X  
Isabella Ayoub,  
Plaintiff-Respondent,

-against-

M-2448X  
Index No. 305392/08

Joseph Ayoub,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 17, 2009 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 3, 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 June 3, 2010.

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

-----X  
Crimson Capital LLC and Michael  
Staisil,  
Plaintiffs-Respondents,

-against-

M-2449X  
Index No. 601873/08

Spartan Group Holding Company, LLC,  
et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 23, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 3, 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 June 3, 2010.

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

-----X  
Henry Ettinger,  
Plaintiff-Appellant,

-against-

M-2450X  
Index No. 350034/09

Ellen Ettinger,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 6, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 3, 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 June 3, 2010.

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

-----X  
Sami Fleyhan,  
Plaintiff-Respondent,

-against-

M-2451X  
Index No. 114239/06

RM Holdings Company, Inc., JMED  
Holdings, LLC doing business as  
Pacha and "John Doe", whose first  
and last name being unknown and  
fictitious and Excalibur, LLC,  
Defendants-Appellants.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 3, 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 June 3, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Barbara Torain,  
Plaintiff-Appellant,

-against-

M-1571

M-1851

Index No. 15637/06

Amadou Bah, also known as Mamadou  
Bobo Bah,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 11, 2009,

And defendant-respondent having moved for dismissal of the aforesaid appeal (M-1571),

And plaintiff-appellant having cross-moved for an enlargement of time in which to perfect the aforesaid appeal (M-1851),

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

Ordered that defendant's motion to dismiss the appeal is denied (M-1571). Plaintiff's cross motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2010 Term (M-1851).

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 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-1701

Ind. No. 1826/08

Wendy Gabriel, also known as Wendy C.  
Gabriel,

Defendant-Appellant.  
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about November 20, 2009,

And defendant having renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth his indigency, including a statement detailing the amount and sources of his income and listing his property with its value.

Enter:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
James M. McGuire  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices

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

-against-

M-179  
Ind. No. 4242/98

Roger M. Thomas, also known as  
Roger Moore Thomas,  
Defendant-Appellant.

-----X

Defendant having renewed his 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 October 2, 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 granted to the extent of permitting the appeal to be heard upon 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.

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
James M. Catterson  
Sheila Abdus-Salaam, Justices.

-----X  
Apple Bank for Savings,  
Plaintiff-Respondent,

-against-

PricewaterhouseCoopers LLP,  
Defendant-Appellant.

M-1272  
Index No. 603492/06

-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 9, 2010 (Appeal No. 2025),

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

-against-

M-1775  
Ind. Nos. 3846/03  
5973/03

John Ramos,  
Defendant-Appellant.

-----X

An order of this Court having been entered on December 3, 2009 (M-5088) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 11, 2009,

And assigned counsel, Richard M. Greenberg, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

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

-----X  
Michael Ring, et al.,  
Plaintiffs-Appellants,

-against-

The Printmaking Workshop, Inc.,  
Defendant-Respondent.

M-1764  
Index No. 602434/02

-----X

Defendant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 16, 2010 (Appeal No. 2149),

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

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

-----X  
Kevin McDonald,  
Plaintiff,

-against-

450 West Side Partners, LLC, et al.,  
Defendants.

M-1465  
Index Nos. 26459/02  
83146/03

- - - - -  
Safeway Steel Products,  
Third-Party Plaintiff-Respondent,

-against-

All-Safe Height Contracting Corp.,  
Third-Party Defendant-Appellant.

-----X

Third-party plaintiff-respondent Safeway Steel Products having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 16, 2010 (Appeal No. 2166),

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

It is ordered that the motion is denied.

ENTER:

  
Clerk. -

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-1548  
Ind. No. 4512/02

Steven Darbasie,

Defendant-Appellant.  
-----X


An order of this Court having been entered on October 29, 2009 (M-4449), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 12, 2003,

And defendant having moved for an extension of time in which to file the pro se supplemental 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 granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before August 9, 2010 for the October 2010 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

PRESENT - Hon. Peter Tom, Justice Presiding,  
James M. McGuire  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----x  
Luis Rios,  
Plaintiff-Appellant,

-against-

M-1832  
Index No. 8368/06

Abdel Wahed Samhi,  
Defendant-Respondent.  
-----x

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about May 12, 2009, for failure to timely perfect,

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

PRESENT - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of

Cle Von A., Jovel C., Jayla J., Rayshawn J.,  
Deshawn J.,

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

- - - - -  
Commissioner of the Administration  
for Children's Services of the City  
of New York,  
Petitioner-Respondent,

M-1937  
Docket No. NA 13452-56/08

Makeba C.,  
Respondent-Appellant,

Deshawn J.  
Respondent.

-----  
Steven Banks, Esq.,  
Law Guardian for the Children.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, New York County, entered on or about November 12, 2009, and January 28, 2010, respectively, for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is denied, with leave to renew upon the submission of an attorney certification which complies with Family Court Act 1118, and the submission of copies of the orders appealed.

ENTER:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
James M. McGuire  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Patricia Nonnon, as Executrix of the  
Estate of Kerri Nonnon, Deceased, and  
Patricia Nonnon, individually, et al.,  
Plaintiffs-Respondents,

-against-

M-1841  
Index No. 8576/91

The City of New York,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 18, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 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 June 3, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
James M. McGuire  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Jorge Rojas,  
Plaintiff-Appellant,

-against-

M-2114  
Index No. 103777/07

City of New York,  
Defendant-Respondent.  
-----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 July 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 November 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 June 3, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
James M. McGuire  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Duli Yang Teramat Mulia Paduka Seri  
Pengiran Digadong Sahibul Mal Pengiran  
Muda Haji Jefri Bolkiah,  
Plaintiff-Respondent,

-against-

M-2146  
Index No. 601210/09

Tokio Marine & Nichido Fire Insurance  
Company, Ltd., et al.,  
Defendants-Appellants,

Illinois National Insurance Company,  
Defendants.

-----X  
Amedeo Hotels Limited Partnership,  
Plaintiff-Respondent,

-against-

Tokio Marine & Nichido Fire Insurance  
Company, Ltd., et al.,  
Defendants-Appellants,

Illinois National Insurance Company,  
Defendants.

-----X

Separate appeals having been taken from the order of the Supreme Court, New York County, entered on or about February 25, 2010, and from the judgment of said Court, entered on or about March 10, 2010,

And defendant-appellant Tokio Marine & Nichido Fire Insurance Company, Ltd. having moved for an enlargement of time in which to perfect the aforesaid appeals,

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

Ordered that sua sponte defendant's appeal from the order entered on or about February 25, 2010 is dismissed. The time in which to perfect the appeal from the judgment entered on or about March 10, 2010 is enlarged to the March 2011 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

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

-----X  
New York Coalition for Quality  
Assisted Living, Inc.,  
Plaintiff-Respondent,

-against-

M-1596  
Index No. 400597/08

MFY Legal Services, Inc., et al.,  
Defendants-Appellants.

- - - - -  
Disability Advocates, Inc. and  
New York Lawyers for the Public  
Interest,  
Amici Curiae.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 23, 2010 (Appeal No. 2203),

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
Jennifer Peralta,  
Plaintiff-Appellant,

-against-

M-1850  
Index No. 25200/04

Julian Robinson, M.D., Lee Weiss,  
M.D., Catherine Rose Salva, M.D.  
and New York Presbyterian Hospital,  
Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 12, 2009, for failure to timely perfect,

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on June 3, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
James M. Catterson  
James M. McGuire  
Nelson S. Román, Justices.

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

-against-

M-1725  
Ind. No. 5481/99

Francisco Cordero,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order denying resentence of the Supreme Court, Bronx County, entered on or about January 19, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,


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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 Sec 722 of the County Law. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
James M. Catterson  
James M. McGuire  
Nelson S. Román, Justices.

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

-against-

M-1778  
Ind. No. 2379/09

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

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon 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 serve one copy of such brief upon the District Attorney of said county and file 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. Defendant-appellant's time in which to perfect the appeal is enlarged until 120 days after receipt of the transcripts.

ENTER:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sheila Abdus-Salaam, Justices.

-----X  
One Hundred Grand, Inc.,  
Petitioner-Respondent,

-against-

M-1481  
Index No. 570709/06

Karen Chaplin, formerly known as,  
Karen Rochon,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 18, 2010 (Appeal No. 1687),

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Karla Moskowitz  
Sheila Abdus-Salaam, Justices.

-----X  
Ruth Legon,  
Plaintiff-Appellant,

-against-

M-1559  
Index No. 104095/08

Petaks,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 11, 2010 (Appeal No. 1693),

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John T. Buckley  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
In re Sylvie Grimm,  
Petitioner-Respondent,

-against-

M-827  
M-887

State of New York Division of Housing  
and Community Renewal Office of Rent  
Administration,  
Respondent-Appellant,

Index No. 105441/07

151 Owners Corp.,  
Intervenor-Respondent-Appellant.  
-----X

Respondent-appellant, State of New York Division of Housing and Community Renewal Office of Rent Administration, and intervenor-respondent-appellant, 151 Owners Corp., having moved, by separate motions, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 24, 2009 (Appeal No. 5419),

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

It is ordered that the motions are granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of Supreme Court, as affirmed by this Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

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

-against- M-1745  
Ind. No. 5548/05

Conica Campbell,  
Defendant-Appellant.  
-----X

An order of this Court having been entered on November 25, 2008 (M-4887) 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 2, 2006, and assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal,

And upon the Court's own motion, an order of this Court having been entered on March 11, 2010 (M-444) striking the designation of assigned counsel, Richard M. Greenberg, Esq., and substituting Stanley Neustadter, Esq., as counsel to prosecute defendant's appeal,

And assigned counsel, Stanely Neustadter, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Stanley Neustadter, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

Enter:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Maritza Rosario,  
Plaintiff-Respondent,

-against-

M-1378  
Index No. 17215/05

Dave Friedman,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about July 8, 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 denied and, sua sponte, 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 in the County of New York on June 3, 2010.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Westport Hardness and Gaging Corp.,  
Plaintiff-Respondent,

-against-

M-1788  
Index No. 601574/07

All Precision Needs Ltd., et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from the order and judgment of the Supreme Court, New York County, entered on or about January 21, 2010, and the judgment entered therein on or about March 15, 2010,

And defendants-appellants having moved for a stay of execution of the aforesaid judgment, 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, and the interim relief granted appellant by an order of a Justice of this Court, dated April 6, 2010, vacated.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 3, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
Alphonse Hotel Corp., doing business  
as Hotel Carter,  
Petitioner,

-against-

Destiny Roseboom,  
Respondent.

M-2180  
Index No. 570703/08

-----X

Petitioner having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 21, 2009,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

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

BEFORE: Hon. Luis A. Gonzalez,

Justice.

-----X

The People of the State of New York,	:	M - 1727
- against -	:	CERTIFICATE DENYING LEAVE
Juan Valdez.	:	
Defendant.	:	Indictment No. 651/07

-----X

I, Luis A. Gonzalez, 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 Section 460.15 of the Criminal Procedure Law, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 30, 2009, is hereby denied.

Dated: New York, New York

May 19, 2010

ENTERED JUN 03 2010

  
Justice



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

BEFORE: Hon. Eugene L. Nardelli  
Justice of the Appellate Division

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

M-1829  
Ind. No. 6117/02

-against-

CERTIFICATE  
DENYING LEAVE

James Pettus,

Defendant.

-----X

I, Eugene L. Nardelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 9, 2010, is hereby denied.

  
Justice of the Appellate Division

Dated: New York, New York

ENTERED JUN 03 2010

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

BEFORE: Hon. Eugene L. Nardelli  
Justice of the Appellate Division

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

M-2165  
Ind. Nos. 3092/00  
and 6271/00

-against-

CERTIFICATE  
DENYING LEAVE

Alberto Benvenuti,

Defendant.

-----X

I, Eugene L. Nardelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 18, 2010, is hereby denied.

  
Justice of the Appellate Division

Dated: New York, New York

**ENTERED JUN 03 2010**

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

BEFORE: Hon. John T. Buckley  
Justice of the Appellate Division

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

M-962  
Ind. No. 4489/07

-against-

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

Carlos Reyes  
Defendant-Appellant.

-----X

I, John T. Buckley, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein\* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named respondent to appeal to the Court of Appeals.

  
Justice of the Appellate Division

Dated: May 19, 2010  
New York, New York

ENTERED: JUN 03 2010

\*Description of Order:

Supreme Court, New York County, entered on March 19, 2008.  
App. Div., 1<sup>st</sup> Dept., Appeal No. 1371, Revd on January 28, 2010.

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Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

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

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

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

M-2246  
Ind. No. 1458/06

-against-

CERTIFICATE  
DENYING LEAVE

Thomas Witt, Defendant.  
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 4, 2009, is hereby denied.

Dated: New York, New York  
May 20, 2010



**ENTERED JUN 03 2010**

---

Hon. Leland G. DeGrasse  
Justice of the Appellate Division

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 - 2166  
Indictment. No.  
6760/99

-against-


CERTIFICATE  
DENYING LEAVE

DANIEL IZQUIERDO,

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, New York County, entered on or about January 20, 2010 is hereby denied.

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

Dated: May 14, 2010  
New York, New York

JUN 03 2010

ENTERED:

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

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

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

M - 2212  
Ind. No. 5860/98

-against-

CERTIFICATE  
DENYING LEAVE

Antonio Mendoza

Defendant.

-----X

I, Sheila Abdus-Salaam, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about January 21, 2010 is hereby denied.

SA-A  
Associate Justice

Dated: May 18, 2010  
New York, New York

ENTERED: JUN 03 2010

PM ORDERS

ENTERED

JUNE 1, 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 June 1, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X

Sona Shah,  
Plaintiff-Appellant,

-against-

Wilco Systems Inc.,  
Defendant-Respondent.

-----X

**SEALED**

M-2179

Index No. 113231/02

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 14, 2009 (mot. seq. no. 024),

And Michael H. Zhu, Esq., having moved to withdraw as counsel for plaintiff-appellant, with leave to plaintiff-appellant to submit an amended brief; to seal the instant motion; to adjourn the aforesaid appeal to the September 2010 Term 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 to withdraw as counsel is granted on condition counsel for plaintiff serves a copy of this order upon all parties within 10 days of the date of entry hereof and that counsel return to plaintiff the retainer fee previously accepted by him, and it is further

Ordered that appellant's brief previously submitted is deemed withdrawn. Appellant's time in which to perfect the aforesaid appeal is enlarged to on or before August 9, 2010 for the October 2010 Term without prejudice to defendant seeking costs resulting from the withdrawal of plaintiff's brief. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that respondent serves a copy of this order upon appellant at her last known address, after diligent inquiry as to same, 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 June 1, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----X  
Rose Group Park Avenue LLC and  
Guastavino's, Inc.,  
Petitioners-Plaintiffs-Respondents,

For a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules,

M-2231  
Index No. 117190/09

-against-

The New York State Liquor Authority,  
Respondent-Defendant-Appellant,

-and-

The Preservation Coalition and George  
Davis,  
Intervenors-Respondents-Defendants.

-----X

An appeal having been taken to this Court by the New York State Liquor Authority, from the judgment of the Supreme Court, New York County, entered on or about April 13, 2010 (mot. seq. no. 001),

And petitioner-plaintiff-respondent Rose Group Park Avenue LLC having moved to vacate the statutory stay afforded the New York State Liquor Authority pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted. Appellant is directed to perfect the appeal on or before August 9, 2010 for the October 2010 Term. The aforesaid relief is granted without prejudice to appellant's statutory authority to otherwise enforce the Alcohol Beverage Control Law during the pendency of the appeal.

ENTER:

A handwritten signature in black ink that reads "David Apolony". The signature is written in a cursive, flowing 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 June 1, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Richard Djeddah,  
Plaintiff-Respondent,

-against-

M-2132  
Index No. 350094/00

Rachel Djeddah,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 20, 2010 (mot. seq. no. 011), and for a stay of certain motion practice pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion to dismiss the aforesaid appeal is denied, with leave to address the issue in respondent's brief on the appeal. The appellant is directed to perfect the appeal on or before September 7, 2010 for the November 2010 Term; stay of proceedings denied.

ENTER:



Clerk.