

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 September 21, 2010.

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

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

-against-

M-3924
Ind. No. 3440/09

Luis Ayala,
Defendant-Appellant.

-----X

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 September 21, 2010.

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

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

-against-

M-3928
Ind. No. 1381/09

Eliesel Gutierrez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 28, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

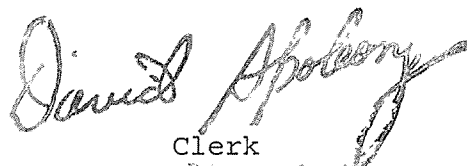
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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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 September 21, 2010.

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

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

-against-

M-3929
Ind. No. 579/07

David J. Hall,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person,
the appeal from a judgment of the Supreme Court, Bronx County,
rendered on or about February 18, 2009, for leave to have the appeal
heard upon the original record and a reproduced appellant's brief, and
for related relief,

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

It is ordered that the motion is granted to the extent of
permitting the appeal to be heard on the original record, except that
a certified copy of the indictment(s) shall be substituted in place of
the original indictment(s), and upon a reproduced appellant's brief,
on condition that appellant serves one copy of such brief upon the
District Attorney of said county and files 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 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 September 21, 2010.

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

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

-against-

M-3930
Ind. No. 6431/07

Rafael Irizarry,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 1, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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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 September 21, 2010.

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

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

-against-

M-3931
Ind. No. 6422/09

Raul Johnson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 23, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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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 September 21, 2010.

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

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

-against-

M-3932
Ind. No. 176/10

Dominique Mack,
Defendant-Appellant.

-----X

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

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

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

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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 September 21, 2010.

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

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

-against-

M-3933
Ind. No. 6186/03

Cristobal Martinez, also known as
Christopher Martinez,
Defendant-Appellant.

-----X
Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 12, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 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 September 21, 2010.

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

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

-against-

M-3934
Ind. No. 4443/08

Gary McIntosh,
Defendant-Appellant.

-----X

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

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

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

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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.

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Clerk

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Court held in and for the First Judicial Department in
the County of New York on September 21, 2010.

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

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

-against-

M-3935
Ind. No. 2451/06

Yovany Ramos Mondroy,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person,
the appeal from a judgment of the Supreme Court, New York County,
rendered on or about June 29, 2010, for leave to have the appeal heard
upon the original record and a reproduced appellant's brief, and for
related relief,

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

It is ordered that the motion is granted to the extent of
permitting the appeal to be heard on the original record, except that
a certified copy of the indictment(s) shall be substituted in place of
the original indictment(s), and upon a reproduced appellant's brief,
on condition that appellant serves one copy of such brief upon the
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The court reporter shall promptly make and file with the criminal
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plea or trial and sentence. The Clerk shall furnish a copy of such
transcripts to appellant's counsel, without charge, the transcripts to
be returned to this Court when appellant's brief is filed.

Richard M. Greenberg, Esq., Office of the Appellate Defender,
11 Park Place, Room 1601, New York, New York 10007, Telephone No.
212-402-4100, is assigned as counsel for defendant-appellant for
purposes of the appeal. The time within which appellant shall perfect
this appeal is hereby enlarged until 120 days from the date of filing
of the record.

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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 September 21, 2010.

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

Presiding Justice,

Justices.

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

-against-

M-3937
Ind. No. 358N/09

Christopher Paleo,
Defendant-Appellant.

-----X

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

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

It is ordered that the motion is granted to the extent of
permitting the appeal to be heard on the original record, except that
a certified copy of the indictment(s) shall be substituted in place of
the original indictment(s), and upon a reproduced appellant's brief,
on condition that appellant serves one copy of such brief upon the
District Attorney of said county and files 10 reproduced copies of
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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 September 21, 2010.

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

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

-against-

M-3938
Ind. No. 2533/09

Dwight Perry,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 21, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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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 September 21, 2010.

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

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

-against-

M-3939
Ind. No. 5301/09

Tyrone Ross,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 28, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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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 September 21, 2010.

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

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

-against-

M-3940
Ind. No. 207/10

Miguel Santos,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person,
the appeal from a judgment of the Supreme Court, New York County,
rendered on or about July 22, 2010, for leave to have the appeal heard
upon the original record and a reproduced appellant's brief, and for
related relief,

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

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

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plea or trial and sentence. The Clerk shall furnish a copy of such
transcripts to appellant's counsel, without charge, the transcripts to
be returned to this Court when appellant's brief is filed.

Richard M. Greenberg, Esq., Office of the Appellate Defender,
11 Park Place, Room 1601, New York, New York 10007, Telephone No.
212-402-4100, is assigned as counsel for defendant-appellant for
purposes of the appeal. The time within which appellant shall perfect
this appeal is hereby enlarged until 120 days from the date of filing
of the record.

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 September 21, 2010.

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

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

-against-

M-3942
Ind. No. 6304/08

Joseph R. Terry,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 20, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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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.

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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 September 21, 2010.

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

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

-against-

M-3944
Ind. No. 704/10

Terrell Wigfall,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 9, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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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 September 21, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
David B. Saxe
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3458
Ind. No. 692/08

Ronald Green,

Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 16, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 21, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Eugene Nardelli
James M. McGuire
Karla Moskowitz, Justices.

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

-against-

M-3103
SCI. No. 1475/03

Corey Gamble,
Defendant-Appellant.

-----X

Defendant having moved for reconsideration of the decision and order of this Court entered on April 22, 2010 (Appeal No. 2607) unanimously modifying only so much of the judgment of the Supreme Court, Bronx County, rendered on or about November 19, 2004, which had imposed upon defendant a certain DNA databank fee, and which otherwise affirmed defendant's conviction,

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 September 21, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Leland G. DeGrasse
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3213
Ind. No. 5996/02

Dan Landy,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on December 15, 2009 (Appeal No. 1768/1769/1770),

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 September 21, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

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

-against-

M-4212
Ind. No. 2456/08

Tyroy Peterkin,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 3, 2010 (M-2648/M-2690), granting defendant-appellant leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about January 12, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

And retained counsel for defendant-appellant having moved for an order modifying the aforesaid order (M-2648/M-2690) with respect to directing the Clerk of the Court to provide appellant with transcripts of the original judgment of the Supreme Court, Bronx County, rendered November 17, 2009, without fee,

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

Ordered that the motion is granted to the extent of modifying the prior order of this Court (M-2648/M-2690). The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of the original judgment rendered November 17, 2009 and the minutes of the judgment of **resentence** rendered on January 12, 2010. 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.

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 September 21, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
George Cutrone, et al.,
Plaintiffs-Respondents-Appellants,

-against-

M-2840
Index No. 13349/99

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


Malvese Equipment Co., Inc.,
Defendant-Respondent.
-----X

Defendant-appellant-respondent New York City Transit Authority 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 May 6, 2010 (Appeal No. 2730),

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 September 21, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
James M. McGuire
Leland G. DeGrasse
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

Resat Keles,
Plaintiff-Appellant,

-against-

M-3498
Index No. 107052/08

The Trustees of Columbia University
in the City of New York, et al.,
Defendants-Respondents.

-----X

Plaintiff-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 June 1, 2010 (Appeal No. 2916),

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 September 21, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta, Justices.

-----X
The People of the State of New York
ex rel. Anthony Boyd,
Petitioner,

-against-

M-3157
Ind. No. 1165/09

Robert Cripps, Warden,
etc.,
Respondent(s).

-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the motion be and the same hereby is granted to the extent of issuing the writ, and

It is further ordered that the habeas corpus proceeding herein be transferred to and be heard before a Justice of the Supreme Court of the State of New York, Bronx County, 851 Grand Concourse, Bronx, New York 10451, forthwith, and

It is further ordered that service by mail of a copy of this writ of habeas corpus, petition and supporting papers, by the Clerk of this Court, contemporaneous with the entry hereof, upon the Warden at Otis Bantum Correctional Center, 16-00 Hazen Street, East Elmhurst, New York 11370; the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and the District Attorney of Bronx County, 198 East 161st Street, Bronx, New York 10451, be deemed due and sufficient notice.

The motion is otherwise denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 21, 2010.

Present - Hon. Richard T. Andrias,	Justice Presiding,
David B. Saxe	
James M. McGuire	
Karla Moskowitz	
Helen E. Freedman,	Justices.

-----X
John Landrum Bryant, et al.,

Plaintiffs-Appellants,

-against-

M-3221
Index No. 110233/08

One Beekman Place, Inc., et al.,

Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court entered on May 25, 2010 (Appeal No. 2860),

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 September 21, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

-against-

M-2601A
Ind. No. 573/07

Anibal Sanchez,
Defendant-Appellant.

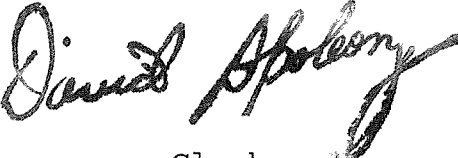
-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 11, 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 deeming the moving papers a timely filed notice of appeal. The orders of this Court entered on July 15, 2008 and corrected order of this Court dated July 21, 2008 (M-2601) are recalled and 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 September 21, 2010.

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

-----X

In re Rajiv Khurana,

Petitioner-Appellant,

-against-

M-3028
Index No. 104967/08

Raymond Kelly, as Police Commissioner
of the City of New York, etc.,
et al.,

Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 11, 2010 (Appeal No. 2762),

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 September 21, 2010.

Present - Hon. David Friedman,	Justice Presiding,
James M. Catterson	
Karla Moskowitz	
Dianne T. Renwick	
Sheila Abdus-Salaam,	Justices.

-----X
Clara Acosta, et al.,

Plaintiffs-Appellants,

-against-

M-3421
Index No. 303106/08

Mamadou Diallo, et al.,

Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, Bronx County, entered on or about June 24, 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 September 21, 2010.

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

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

-against-

M-3628
Ind. Nos. 606/00
768/00

Orlando Deuras,
Defendant-Appellant.

-----X

Robert S. Dean, Esq., having moved on defendant's behalf for an enlargement of time in which to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about February 2, 2010, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for Robert S. Dean, Esq., to be assigned as counsel for defendant for purposes 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 granted to the extent of deeming the moving papers a timely filed notice of appeal 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 **resentence**. 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. (See M-3172, 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 September 21, 2010.

Present - Hon. David Friedman, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against- M-3336
Ind. No. 5590/07
Rafael Delarosa,

Defendant-Appellant.
-----X

Assigned counsel having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about September 29, 2008, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this Court,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 21, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
The People of the State of New York
ex rel. Camille Abate, Esq. on
behalf of Tamara Vasquez,
Defendant-Relator,

-against-

M-3388
Ind. No. 0236/09

Raymond Kelly, Commissioner,
New York City Police Department;
Dora B. Schriro, Commissioner,
New York City Department of
Correction or Anyone having
Custody of Petitioner,
Respondent(s).

-----X

The above-named defendant-relator having moved for, inter alia, a writ of habeas corpus to be issued from this Court, 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 application for the writ and related relief 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 September 21, 2010.

Present: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3202
Ind. No. 6381/89

William Fields,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (A. Kirke Bartley, J.) entered on or about June 2, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on 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 Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Bartley as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 September 21, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-3532
Ind. Nos. 5772/93
4443/93

Luis Sanchez, also known as
Pedro Martino,
Defendant-Appellant.

-----X
Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 1, 2010, denying resentence, 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.

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 September 21, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
In the matter of the Application of
Janice Parker-Are,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3630
Index No. 400504/10

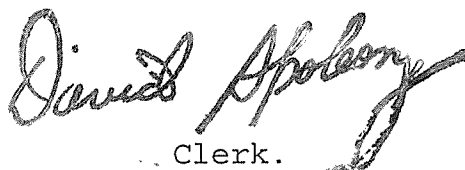
New York City Housing Authority,
Respondent-Respondent.
-----X

Petitioner having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about June 16, 2010, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on 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.

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 September 21, 2010.

PRESENT: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Merrill Lynch, Pierce, Fenner &
Smith Incorporated and Merrill
Lynch Capital Services, Inc.,
Plaintiffs-Respondents,

-against-

M-4039
Index No. 601012/08

Global Strat Inc., also known as
Global Strategies Inc., Excel
Global Opportunities Fund, Ltd.,
Inversiones Patagonia International,
S.A., and Saluc Limited,
Defendants,

-and-

Ezequiel Nasser, Raymond Nasser,
Albert Nasser and Scarlett Nasser,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings including enforcement pending hearing and determination of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about August 9, 2010,

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

It is ordered that the motion is granted to the extent of staying judgment on condition appellants post an undertaking of \$500,000 within 30 days of entry hereof, and on further condition that appellants perfect the appeal for the February 2011 Term, with leave to seek further enlargement, if pending motions for dismissal remain undecided by Supreme Court. Should appellants fail to meet either condition, respondents may move on notice to vacate the stay. The interim relief granted by an order of a Justice of this Court, dated August 11, 2010, is modified as indicated.

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 September 21, 2010.

PRESENT: Hon. Leland G. DeGrasse, Justice Presiding
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Sarah Schottenstein,
Plaintiff-Appellant,

-against-

M-3675
Index No. 600661/07

Windsor TOV, LLC a Delaware Limited
Liability Corporation, et al.,
Defendants-Respondent.
-----X

Plaintiff-appellant having moved for an order staying enforcement of a portion of the order of the Supreme Court, New York County, entered on or about June 17, 2009, the order of said Court entered on or about April 8, 2010 respectively, and the judgment of said Court entered on or about May 17, 2010, pending hearing and determination of the appeals taken therefrom, 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 motion is granted to the extent of deeming the appeal one from the judgment of the Supreme Court, New York County, entered May 17, 2010, bringing up for review orders of the same Court entered June 17, 2009 and April 8, 2010, respectively and granting appellant leave to perfect on a single record and set of briefs. The motion is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 21, 2010.

PRESENT: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Theodore Chapman,
Plaintiff-Appellant,

-against-

M-3504
Index No. 17822/04

Schindler Elevator Corporation 1345
Fee, LLC, 1345 Leasehold LLC, 1345
Fee Manager Corp., 1345 Leasehold
Manager Corp., Fisher Brothers
Management Co., LLC, Fisher Sixth
Avenue Realty Associates, LLC,
Hawaiian 1345 Special Fee Corp.,
Hawaiian 1345 Special Leasehold
Corp.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about March 2, 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 on or before November 8, 2010 for the January 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 September 21, 2010.

PRESENT: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Melissa Feldman, as Administratrix
of The Estate of Lori Feldman,
Deceased,
Plaintiffs-Appellants,

-against-

M-3508
Index No. 103962/07

Susan M. Levine MD,
Defendant-Respondent.
-----X

Plaintiffs-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 May 13, 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 on or before December 6, 2010 for the February 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 September 21, 2010.

PRESENT: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Emile Auguste,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3717
Index No. 110221/09

Martin F. Horn, Commissioner of the
New York City Department of Correction,
et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 26, 2009 (mot. seq. no. 010),

And petitioner having moved for an enlargement of time in which to perfect the proceeding,

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 proceeding on or before November 8, 2010 for the January 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 September 21, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Golden Bamboo Corp.,

Plaintiff-Appellant,

-against-

M-3763
Index No. 117967/09

330 Fifth Maui, Inc.,

Defendant-Respondent.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 28, 2010,

And plaintiff-appellant having moved for a stay of enforcement of the order insofar as it requires plaintiff to post an undertaking, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 21, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Arthur Gregory,

Plaintiff-Appellant,

-against-

St. Vincent's Catholic Medical Center,
et al.,

Defendants-Respondents.
-----X

M-4019
M-4206
Index No. 110310/07

Defendant-respondent David J. Friedman, M.D. having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about September 30, 2009 (mot. seq. no. 002), for failure to timely perfect,

And plaintiff-appellant having cross-moved for an enlargement of time in which to perfect the appeal,

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 the time to perfect the appeal is enlarged to the January 2011 Term, for which Term appellant is directed to perfect.

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 September 21, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Molecular Securities, Inc.,

Plaintiff-Appellant-Respondent,

-against-

M-4111
Index No. 602892/08

Tyratech, Inc.,

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

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 7, 2010 (mot. seq. no. 005),

And the parties having jointly moved for a stay of trial herein pending hearing and determination of the aforesaid appeal and cross appeal,

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

It is ordered that the motion is granted on condition the appeal and cross appeal are perfected for the February 2011 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

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 September 21, 2010.

PRESENT - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
In the Matter of

Anthony M. W. A.,

A Dependent Child under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

M-4152
Docket No. B877/06

Lutheran Social Services of
Metropolitan New York,
Petitioner-Respondent,

Micah W. A.,
Respondent-Appellant.

Mark Leider, Esq.,
Law Guardian for the Child.

-----X
An appeal having been taken from the amended order of the
Family Court, New York County, entered on or about March 27,
2009,

And respondent having moved for an order enlarging the
record on appeal, 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 granted to the extent of
enlarging the record to include the following orders of said
Court entered December 16, 2004; July 13, 2005; April 26, 2006;
and April 28, 2006. The petitioner is directed to file the
exhibits promptly.

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 September 21, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Culver & Theisen, Inc.,
Plaintiff-Respondent,

-against-

M-4324
M-4371
Index No. 600406/08

Citysights, LLC,
Defendant-Appellant,

Vector Media, LLC,
Defendant-Appellant,

Vector Media 2, LLC, et al.,
Defendants.

-----X
Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 4, 2009,

And defendants-appellants Vector Media, LLC (M-4324) and Citysights LLC (M-4371) having separately moved for an enlargement of time in which to perfect their respective appeals,

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

It is ordered that the appeals are sua sponte consolidated for hearing together, and appellants are permitted to prosecute the appeals upon 10 copies of one record and one set of each appellants' points covering the appeals, and enlarging the time in which to perfect same to the January 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 September 21, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Barbara J. Ford,
Plaintiff-Respondent,

-against-

M-3916
Index No. 301747/09

Rector, Church-Wardens, et al.,
Defendants-Appellants.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 18, 2010, and said appeal having been perfected,

And plaintiff-respondent having moved to enlarge the record on appeal to include certain deposition testimony,

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 September 21, 2010.

Present - Hon. Leland G. DeGrasse,	Justice Presiding,
Helen E. Freedman	
Rosalyn H. Richter	
Sallie Manzanet-Daniels	
Nelson S. Román,	Justices.

-----X
In the Matter of the Application of
Peter Principe,
Petitioner-Respondent,

For an order Vacating a Decision of a
Hearing Officer Pursuant to § 3020-a(5)
of the Education Law and Article 75
of the CPLR,

M-4146
Index No. 116031/09

-against-

New York City Department of Education,
Respondent-Appellant.

-----X
Petitioner-respondent having moved for preference in hearing of the appeal from the order of the Supreme Court, New York County, entered on or about May 19, 2010,

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

It is ordered that the motion is denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 21, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Ramon Cancel, as Administrator of the
Estate of Iris Flores Cancel,

Plaintiff-Appellant,

-against-

M-4223
Index No. 302316/07

Dr. Johnathan Posner, et al.,

Defendants-Respondents.
-----X

Plaintiff-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 October 28, 2009,

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

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

ENTER:


Clerk

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

SEP 21 2010

Richard T. Andrias,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam,

Justice Presiding,

Justices.

-----X

In the Matter of Mark S. Pomerantz
(admitted as Mark Steven Pomerantz),
an attorney and counselor-at-law:

Departmental Disciplinary Committee
for the First Judicial Department,
Petitioner,

M-1621

Mark S. Pomerantz,
Respondent.

-----X

Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent, Mark S. Pomerantz, was admitted to the Bar of
the State of New York at a Term of the Appellate Division of
the Supreme Court for the Second Judicial Department on
February 26, 1986.

Alan W. Friedberg, Chief Counsel, Departmental
Disciplinary Committee, New York
(Raymond Vallejo, of counsel), for petitioner.

Respondent pro se.

M-1621 (April 23, 2010)

IN THE MATTER OF MARK S. POMERANTZ

PER CURIAM

Respondent Mark S. Pomerantz was admitted to the practice of law in the State of New York by the Second Judicial Department on February 26, 1986, under the name Mark Steven Pomerantz. At all times relevant herein, he maintained an office for the practice of law within the First Judicial Department.

Respondent was charged in a felony complaint with criminal possession of a forged instrument in the second and third degrees, a class D felony and a class A misdemeanor, respectively. On October 15, 2007, he pleaded guilty in Nassau County District Court to the reduced charge of attempted criminal possession of a forged instrument, in violation of Penal Law § 110/170.20, a class B misdemeanor, in full satisfaction of the felony complaint. That same day, respondent was sentenced to a one-year conditional discharge, a \$500 fine, a \$140 surcharge and a \$20 Crime Victim's Assistance fee.

By unpublished order entered September 30, 2009, we deemed the offense of which respondent was convicted to be a "serious crime" pursuant to Judiciary Law § 90(4)(d) and directed a Hearing Panel to conduct a hearing as to the appropriate sanction.

The Hearing Panel held a hearing at which respondent, who

appears pro se, testified.

On March 21, 2007, respondent was stopped by the Nassau County police, who impounded his car due to various outstanding motor vehicle infractions. Upon inspection the police found that the vehicle bore a registration sticker which had been forged to reflect an incorrect expiration date.

Respondent admitted to cutting out numbers from the registration sticker of his wife's car and affixing them to his own vehicle's registration sticker. Respondent also altered his car's registration sticker so as to make it reflect an inaccurate expiration date. Respondent knew his actions were illegal.

When stopped by the police, respondent was aware that his car had been uninsured for a year and a half and was not currently registered or inspected. He had been driving the car with a forged registration sticker since February 2004, knew that he was driving with a suspended license, had failed to answer a traffic summons and had outstanding motor vehicle infractions and violations.

Respondent testified that he no longer drives and instead commutes to his office by public transportation. He acknowledged that his conduct was wrong and proffered his wife's illness, marital turmoil and financial difficulties as the reasons for such conduct. In aggravation, the Hearing Panel considered respondent's failure to report his criminal conviction to the

Committee as required by 22 NYCRR 603.12(f). The Hearing Panel also considered respondent's failure to provide it with proof of the satisfaction of a \$20,610 New York State tax judgment as well as documentation of payments towards other outstanding liens and judgments entered against respondent. These outstanding liens and judgments include a \$47,687 federal tax lien and judgments in the amounts of \$4,834 and \$20,146. The Hearing Panel also considered respondent's failure to notify his law firm employer of his conviction as evidence that he has not accepted responsibility for his misconduct. On the other hand, the Hearing Panel considered respondent's expression of remorse, the fact that his misconduct did not affect his law practice or cause harm to the public and the absence of a prior disciplinary record as mitigating factors.

The Hearing Panel recommended a suspension of six months, and the Committee seeks an order pursuant to 22 NYCRR 603.4(d) and 605.15(e)(2) confirming the findings of fact and conclusions of law of the Hearing Panel and imposing a six-month suspension. Respondent seeks imposition of a public censure.

Forgery, particularly when committed by an attorney, has always been viewed by this Court as a serious matter (*Matter of Glotzer*, 191 AD2d 112, 114 [1993]). The sanctions generally imposed for forgery offenses range from a short suspension to disbarment depending upon the repetitiveness of the misconduct

and the desire for personal profit (*id.*). In *Matter of Vasquez* (1 AD3d 16 [2003]), we imposed a six-month suspension upon an attorney who falsified a city official's memorandum to make it appear as if he had been granted a \$5,500 salary increase and a lump sum back payment. In *Matter of Donofrio* (231 AD2d 365 [1997]), the respondent made false statements to a Parking Violations Bureau manager and an administrative law judge (ALJ) and forged the ALJ's signature to a document which he fraudulently used to obtain a tow release of his vehicle. The sanction we imposed was a one-year suspension. As noted above, respondent practiced law within this Department at all relevant times. We are not persuaded by his argument that Second Department caselaw is controlling (see 22 NYCRR 603.1[a]).

While there are mitigating factors such as the absence of profit or personal gain related to respondent's practice of law, the aggravating factors cited above cannot be ignored. Having considered all of the factors disclosed by the record we find that a suspension is warranted.

Accordingly, we grant the Committee's motion to the extent of confirming the Hearing Panel's findings of fact and conclusions of law, and respondent is suspended from the practice of law for a period of three months.

All concur.

Order filed.

PM ORDERS

ENTERED

SEPTEMBER 14, 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 September 14, 2010.

PRESENT - Hon. David Friedman,	Justice Presiding,
James M. Catterson	
Karla Moskowitz	
Dianne T. Renwick	
Sheila Abdus-Salaam,	Justices.

-----x
Crystal Blackson,
Plaintiff-Appellant,

-against-

M-3345
M-3416
Index No. 107650/07

Nelson Burgos and Richard J. Abreu,
Defendants-Respondents.
-----x

Defendants Richard J. Abreu (M-3345) and Nelson Burgos (M-3416) having separately moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about August 3, 2009 (mot. seq. no. 001), for failure to timely prosecute,

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 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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x

Jorge Gaspar,
Plaintiff-Respondent,

-against-

M-4266
Index No. 113198/07

LC Main, LLC, et al.,
Defendants-Appellants.

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

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 12, 2010 (mot. seq. nos. 002, 003), and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
 Helen E. Freedman
 Rosalyn H. Richter
 Sallie Manzanet-Daniels
 Nelson S. Román, Justices.

-----x
EB Leasing, et al.,
 Plaintiffs-Respondents,

 -against-

Madison Plaza Commercial Owners, LLC, M-3902
et al., Index No. 650059/08
 Defendants-Appellants,

Robin A. Lewis, Esq.,
 Defendant.

-----x

Defendants-appellants having moved for an enlargement of
time in which to perfect the appeal from the order of the Supreme
Court, New York County, entered on or about April 7, 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 January
2011 Term.

ENTER:

A handwritten signature in black ink, appearing to read "David Apokony", written in a cursive style.

Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
DKR Soundshore Oasis Holding Fund Ltd.,

Plaintiff-Appellant,

-against-

M-4142
Ind. No. 650327/09

Merrill Lynch International, et al.,

Defendants-Respondents.

-----X

An appeal having been taken to this Court by the above-named plaintiff from the order of the Supreme Court, New York County, entered on or about April 14, 2010, and said appeal having been perfected,

And International Swaps and Derivatives Association, Inc. 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 brief submitted with the moving papers herein 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 September 14, 2010.

PRESENT: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X

Jessica Stoeckel,
Plaintiff-Respondent,

-against-

M-4310

Index No. 103204/04

Fraydun Manocherian, United Enterprises,
a limited partnership, and Pan Am Equities,
Defendants-Appellants,

H. Lieblich and Company, Inc. and Robert
Flannenbaum,
Defendants-Respondents.

-----X

H. Leiblich & Company, Inc. and Robert
Flannenbaum,
Third-Party Plaintiffs-Respondents,

-against-

Third Party

Index No. 591073/04

H.B. Smith, Smith Cast Iron Boilers and
Westcast, Inc.,
Third-Party Defendants-Respondents,

Mestek, Inc.,
Third-Party Defendant,

Power Flame, Inc.
Third-Party Defendant-Appellant.

-----X

-----X
Fraydun Manocherian, United Enterprises,
a limited partnership and Pan Am Equities,
Second Third-Party Plaintiffs-Appellants,

-against-

Second-Third Party
Index No. 590537/05

Consolidated Edison Company of New York,
Inc., Dresser, Inc., Dresser Industries,
Inc., Dresser Equipment Group, Inc.
and New York Dresser,
Second Third-Party Defendants-Respondents.

And Related Consolidated Cases Index Nos.
112251/04, 603694/04, 113021/05, 100692/05

-----X

Defendants/second third-party plaintiffs-appellants Fraydun Manocherian, United Enterprises, and Pan Am Equities 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 January 27, 2010,

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

It is ordered that the motion is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 14, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Stevenson Commons Associates, L.P.,
Respondent-Petitioner-Respondent,

-against-

M-3372
Index No. 570280/09

Samaad-Saqqara Bishop,
Petitioner-Respondent-Appellant.
-----X

Petitioner-respondent-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about February 25, 2010,

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

It is ordered that the motion is denied.

ENTER:

A handwritten signature in black ink, appearing to read "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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x
In the Matter of

Scarlette C.,

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

- - - - -
Administration for Children's Services, M-4052
Petitioner-Appellant, Docket No. NN-723/09

Cindy L.,
Respondent-Respondent.

- - - - -
Steven Banks, Esq., the Legal Aid
Society, Juvenile Rights Division,
Law Guardian for the Child.

-----x

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about October 29, 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 January 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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

-----x
Stephanie L. Berardo, etc., et al.,

Plaintiffs-Respondents,

-against-

M-4280
Index No. 6630/01

Jacques Guillet, et al.,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from an order of the Supreme Court, Bronx County, entered on or about September 30, 2009, and said appeal having been perfected,

And plaintiffs-respondents having moved for dismissal of the aforesaid appeal upon the grounds that the record on appeal is incomplete or, in the alternative, permitting plaintiffs-respondents to enlarge the record on appeal to include certain documents (Exhibits D, E, F, G to the moving papers),

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 plaintiffs-respondents leave to submit a supplemental record including the aforesaid exhibits, without prejudice to defendants raising objections to such material upon hearing of the appeal.

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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
In the Matter of the Application of
Benjamin L. Anderson, etc.,
Plaintiff-Appellant,

-against-

Index No. 602210/08

Eugene H. Blabey II, et al.,
Defendants-Respondents.

M-3595

M-3596

- - - - -
Benjamin Anderson, etc.,
Plaintiff-Appellant,

-against-

Index No. 600126/09

Carl P. Belke, et al.,
Defendants-Respondents.

-----x

Plaintiff-appellant pro se having moved, by separate motions, for an enlargement of time in which to perfect the appeals from orders of the Supreme Court, New York County, entered on or about October 14, 2009 (mot. seq. nos. 004, 005, respectively), and for other relief,

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 to the extent of enlarging the time to perfect the appeals, which are sua sponte consolidated, to the December 2010 Term. Appellant is permitted to prosecute the consolidated appeals upon 10 copies of one record and one set of appellant's points covering 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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
Guillermo Villa,

Plaintiff-Appellant,

-against-

M-4175
Index No. 115710/06

Paradise Theater Productions, Inc.,
et al.,

Defendants-Respondents.
-----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 October 29, 2009 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
Myron Zuckerman,

Plaintiff-Respondent,

-against-

M-4309
Index No. 113633/07

Sydell Goldstein, et al.,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 30, 2009 (mot. seq. no. 011), and said appeal having been perfected,

And plaintiff having moved for preference in hearing 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 granted to the extent of directing the Clerk to maintain the appeal for hearing on this Court's calendar for the October 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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x

EP Partners Corp.,
Plaintiff-Appellant-Respondent,

-against-

AGT Crunch Acquisition, LLC, and Sports, M-4326
Fitness Ventures, LLC, Index No. 600405/07
Defendants,

Angelo Gordon & Co., L.P., et al.,
Defendants-Respondents-Respondents,

Marc Tascher,
Defendant-Respondent-Appellant.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 28, 2009,

And plaintiff EP Partners Corp. having moved for an enlargement of time in which to perfect its direct appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the January 2011 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

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 September 14, 2010.

PRESENT: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Richard Bender and Pamela Bender,

Plaintiffs-Appellants,

-against- M-3674
Index No. 104541/05
101 Productions Ltd. and Jumpers Ltd.,

Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 8, 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 January 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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
 Helen E. Freedman
 Rosalyn H. Richter
 Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Police Officer Maria Villar, etc.,
 Petitioner,

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

M-4123
Index No. 111137/09

-against-

Raymond W. Kelly, as Police
Commissioner of the New York City
Police Department, et al.,
 Respondents.

-----X

An Article 78 proceeding to review a determination of
respondents having been transferred to this Court, pursuant to
CPLR 7804(g), by order of the Supreme Court, New York County,
entered on or about November 27, 2009,

And petitioner having moved for an enlargement of time
in which to perfect the proceeding,

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 to the extent
of enlarging the time in which to perfect the proceeding to the
January 2011 Term.

ENTER:

A handwritten signature in black ink, appearing to read "David Apokony". 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 September 14, 2010.

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

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

Respondent, M-2497
DC #20
-against- Ind. No. 3738/06

Fernandonex Irizarry, also known as
Fernando Irizarry,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 6, 2007,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 13, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the January 2011 Term of this Court and counsel is directed to so perfect.

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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

Appellant,

-against-

M-4124
Ind. No. 5076/07

Ronald Sudol,

Defendant-Respondent.

-----x

The People having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 29, 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 January 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 September 14, 2010.

PRESENT: Hon. David Friedman, Justice Presiding
James M. Catterson
Karla Moskowitz
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

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

-against-

M-3491
Ind. No. 1408/00

Edward Lee,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, entered on or about June 17, 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 **resentence**. 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 September 14, 2010.

PRESENT: Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
Maria Sepulveda,
Plaintiff-Appellant,

-against-

M-3793
Index No. 18767/06

Eric Vecvagars, The City of New York
and New York City Police Department,
Defendants-Respondents.

-----X

Plaintiff-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 October 19, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 2010 Term.

ENTER:

A handwritten signature in black ink, appearing to read "David Apolony", written in a cursive style.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----x
Heithem Anoun,

Plaintiff-Appellant,

-against-

M-4006
Index No. 114837/08

The City of New York,

Defendant-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 19, 2009,

And plaintiff-appellant having moved for leave to enlarge the record on appeal to include a copy of the decision of Hon. Thomas H. Succimarra of the New York State Court of Claims dated September 28, 2009 (Exhibit H to the moving papers), and for an enlargement of time in which to perfect the appeal,

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

It is ordered that the motion is granted, and the time in which to perfect the appeal is enlarged to the February 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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
Debra Weissman,

Plaintiff-Appellant,

-against-

M-4121
Index No. 101314/07

Ellyn D. Kessler, Esq., et al.,

Defendants-Respondents.
-----x

Consolidated appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, all entered on or about November 28, 2008 (mot. seq. nos. 002, 003, 004 and 005), respectively, and said appeals having been perfected,

And plaintiff-appellant having moved for an order enlarging the record on appeal, and for other relief,

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

It is ordered that the motion is denied.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
 Helen E. Freedman
 Rosalyn H. Richter
 Sallie Manzanet-Daniels
 Nelson S. Román, Justices.

-----x
International Finance Corporation,

Plaintiff-Respondent,

-against-

Carrera Holdings Inc., et al.,

Defendants-Appellants.
-----x

SEALED

M-4113

Index No. 601705/07

An appeal having been taken to this Court from the order
of the Supreme Court, New York County, entered on or about
September 28, 2009,

And plaintiff-respondent having moved for an order enlarging
the record on 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:

A handwritten signature in black ink, appearing to read "David Apolony", written in a cursive style.

Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 14, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta, Justices.

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

Respondent, M-2496 (DC #19)
M-2641
-against- Ind. No. 44714C/05

Kwame Hoden,

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 September 5, 2007,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 13, 2010, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having moved for an enlargement of time in which to perfect the appeal (M-2641),

Now, upon reading and filing the papers with respect to the motion (M-2641), and due deliberation having been had thereon, and upon the Court's own motion (M-2496 [DC #19]), it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the January 2011 Term of this Court and counsel is directed to so perfect.

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 September 14, 2010.

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

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

Respondent, M-2481
DC #12
-against- Ind. No. 7972/00

Carlos Ferreira,
Defendant-Appellant.

-----X

Consolidated appeals having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 4, 2005, and from the order of said Court entered on or about April 9, 2008,

And said appeals not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 13, 2010, pursuant to Rule 600.12(c) of said Rules of Practice,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the consolidated appeals is enlarged to the January 2011 Term of this Court and counsel is directed to so perfect.

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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
Michael J. Devereaux,

Plaintiff-Appellant,

-against-

M-4000
Index No. 114428/09

Carolina E. Pascacio,

Defendant-Respondent.
-----x

Plaintiff-appellant having moved for a stay of enforcement of the judgment of the Supreme Court, New York County, entered on or about July 20, 2010, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:

A handwritten signature in black ink, appearing to read "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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x
In the Matter of a Proceeding for
Custody and/or Visitation Pursuant to
Article 6 of the Family Court Act.

Brett L. R.,
Petitioner-Appellant,

M-3997
Docket No. V-23611/09

-against-

Marla E.-R.,
Respondent-Respondent.
-----x

An appeal having been taken to this Court by petitioner from the order of the Family Court, New York County, entered on or about November 18, 2009, as amended by the supplemental judgment of said Court entered on or about December 10, 2009, and said appeal having been perfected,

And respondent-respondent having moved for dismissal of the appeal, and for a stay of proceedings pending hearing and determination of petitioner's appeal in the Family Court of Australia, Brisbane, presently *sub judice*, and for alternative and/or 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 the extent it seeks dismissal of the appeal, is denied, without prejudice to respondent addressing the issue directly on the appeal which is adjourned to the November 2010 Term. The motion is otherwise denied.

ENTER:



Clerk

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

BEFORE: Sallie Manzanet-Daniels
Justice of the Appellate Division

-----X
Jennifer Peck Barnett,

Plaintiff-Appellant,

-against-

M-3522
Index No. 350377/04

Craig Barnett,

Defendant-Respondent.
-----X

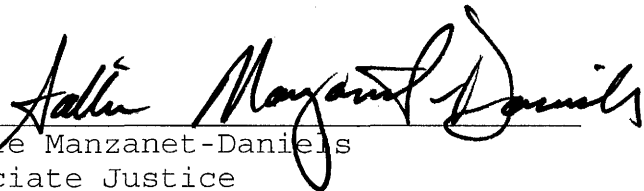
Plaintiff having served a notice of appeal from the interim order of the Supreme Court, New York County, entered on or about July 9, 2010,

And plaintiff having moved for certain relief with respect to the aforesaid order of Supreme Court,

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

It is ordered that the motion is deemed one for leave to appeal to this Court and for related relief, and to the extent it seeks leave to appeal the motion is granted. (See M-3522A and M-3766, decided simultaneously herewith.)

Dated: New York, New York


Sallie Manzanet-Daniels
Associate Justice

Entered: 9/14/10

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 September 14, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----x

Jennifer Peck Barnett,
Plaintiff-Appellant,

-against-

M-3522A
M-3766
Index No. 350337/04

Craig Barnett,
Defendant-Respondent.

-----x

Plaintiff-appellant having moved for a stay of the interim order of the Supreme Court, New York County, entered on or about July 9, 2010, pending hearing and determination of the appeal taken therefrom (M-3522A),

And defendant-respondent having cross-moved for dismissal of the aforesaid appeal upon the grounds it is not appealable as of right (M-3766),

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 staying the order on condition plaintiff-appellant perfects the appeal on or before October 4, 2010 for the December 2010 Term. The cross motion is denied. (See M-3522, decided simultaneously herewith.)

ENTER:



Clerk