

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 August 25, 2011.

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

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

-against-

Akeem Jordan,  
Defendant-Appellant.

M-2044  
Ind. Nos. 3883/08  
6214/08

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about November 18, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated April 29, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

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

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

-against-

M-2277  
Ind. No. 9513/99

Randell Jones,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 16, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated May 9, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

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

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

-against-

M-2952  
Ind. No. 5186/01

Brandon Royer,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 30, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated June 17, 2011, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



CLERK





At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

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

-----X  
Felvy Gratereaux,  
Plaintiff-Respondent,

-against-

M-2278X  
Index No. 101476/09

Bernard Blackmon and Carlos  
Jauier-Veler,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 14, 2010 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 10, 2011, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

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

-----X  
Rolando Rodriguez,  
Plaintiff,

-against-

M-2310X  
Index No. 21927/06

579 Fifth Avenue Co., L.P.,  
Defendant-Appellant

-and-

Perrier Gems International Inc.,  
Defendant-Appellant.

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

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about January 31, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 11, 2011, and due deliberation having been had thereon,

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

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

-----X  
Olga Rodriguez,

Plaintiff-Respondent,

-against-

M-2342X

Index No. 300411/08

1240 Sheva Realty Associates, LLC,  
et al.,

Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about December 16, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 12, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

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

-----X  
Ira D. Zinner,

Plaintiff-Appellant,

M-2344X

Index No. 601865/08

-against-

1329-37 Third Avenue, LLC, et al.,

Defendants-Respondents.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 8, 2010 (mot. seq. nos. 001, 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 11, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

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

-----X  
Frank Bodenchak,

Plaintiff-Respondent,

-against-

M-2379X  
Index No. 603193/09

Michael Brais,

Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 21, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 17, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

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

-----X  
Adam Leitman Bailey, P.C.,

Plaintiff-Respondent,

M-2495X  
Index No. 114975/08

-against-

Joseph Pell Lombardi, etc.,

Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 17, 2010 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 23, 2011, and due deliberation having been had thereon,

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

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

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

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

Respondent,

-against-

M-2116  
DC #16  
Ind. No. 18/07

Raheen Davis,

Defendant-Appellant.  
-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about June 10, 2009,

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 19, 2011, pursuant to Rule 600.12(c) of said Rules of Practice, and there parties having submitted a stipulation dated May 9, 2011, stating they wish to withdraw the appeal,

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

Ordered that the aforesaid appeal is deemed withdrawn.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

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

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

-against-

M-2839  
Ind. No. 948/10

Nelson Almeyda,  
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 27, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

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

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

-against-

M-2841  
Ind. No. 1050/07

Raymundo Garcia,  
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 29, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

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

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

-against-

M-2844  
Ind. No. 4395/08

Tyrell Ingram,  
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 March 14, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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 August 25, 2011.

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

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

-against-

M-2847  
Ind. No. 3654/07

Paulino Valenzuela,  
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 May 5, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
James M. Catterson  
Rosalyn H. Richter, Justices.

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

-against-

M-2090  
Ind. No. 1373/09

Michael Toliver,  
Defendant-Appellant.

-----X

An order of this Court having been entered on December 2, 2010 (M-5226), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 13, 2010, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

**M-2614**  
Ind. No. 2904/09

Kevin Young,

Defendant-Appellant.  
-----X

An order of this Court having been entered on July 1, 2010 (M-2297), inter alia, assigning Robert S. Dean, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on December 16, 2009,

And counsel having renewed the motion for an order abating the appeal by reason of appellant's death, remanding the matter to the trial court to vacate the judgment of conviction, and dismissing the indictment,

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 dismissing the appeal because of appellant's death on February 22, 2011, and remanding the matter to the Supreme Court, New York County, for proceedings to vacate the judgment of conviction and to dismiss the indictment. (See *People v. Matteson*, 75 NY2d 745; *People v. Mintz*, 20 NY2d 753, 770.)

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 August 25, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Richard T. Andrias  
David Friedman, Justices.

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

-against-

**M-2676**

Ind. No. 5473/01

Herbert Cephas,  
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 May 19, 2011, **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 copies of such brief, together with the original record, with this Court pursuant to Rule 600.11 of the Rules of this Court.

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 August 25, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Karla Moskowitz  
Rolando T. Acosta, Justices.

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

-against-

**M-2582**  
Ind. Nos. 4065/06

Carlos M. Rosario,  
Defendant-Appellant.

-----X

An appeal having been taken from judgments of the Supreme Court, Bronx County, both rendered on or about July 17, 2009, and said appeal having been perfected,

And the People having moved for an order dismissing the aforesaid appeal,

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

Ordered that the motion is denied, with leave to renew subsequent to the Court of Appeals issuing its decision in *People v Ventura* (leave granted 14 NY3d 894 [2010]) and *People v Gardner* (leave granted 15 NY3d 920 [2010]). Sua sponte, the appeal is adjourned to the January 2012 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 August 25, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

Minnie Parker,

Plaintiff-Appellant,

-against-

**M-2022**

Index No. 21141/06

Bronx House Community Center, 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 August 14, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 2011 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that defendants-respondents serve a copy of this order upon plaintiff-appellant within 10 days after the date of entry hereof.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Karla Moskowitz  
Rolando T. Acosta, Justices.

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

-against-

Omar Rodriguez,  
Defendant-Appellant.

**M-2559**  
SCI. Nos. 31426C/09  
59346C/09

-----X

Defendant-appellant's counsel having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 18, 2009, 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 August 25, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Karla Moskowitz  
Rolando T. Acosta, Justices.

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

-against-

**M-2544**  
Ind. No. 4850/09

Luna Andres, also known as Andres  
Luna, also known as Andre S. Luna,  
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 March 31, 2011, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Karla Moskowitz  
Rolando T. Acosta, Justices.

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

-against-

Kelvin Vazquez, also known as Kelvin Vasquez,  
Defendant-Appellant.

**M-2375**  
Case Nos. 58892C/05  
21744C/05

-----X

An appeal having been taken from a judgment of the Supreme Court, Bronx County, rendered on or about February 24, 2010,

And defendant having moved for an order directing the Clerk of the Supreme Court, Bronx County, to promptly have transcribed the minutes of all proceedings held from May 19, 2005 through October 13, 2005 in the case (SCI 21744C/05), and to provide a copy of said proceedings to defendant's counsel,

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

It is ordered that the motion is granted to the extent of directing the Clerk of the Supreme Court, Bronx County, to have transcribed the above-mentioned minutes for inclusion in the record on appeal, within 30 days from the date of service upon the Clerk of a copy of this order, which counsel is directed to serve upon said Clerk and the individual court reporter(s) within 10 days from the date of entry hereof.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

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

-----X  
In the Matter of

Aliyah B.,  
Kayla B., and  
Sharnell B.,

M-709A

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

Docket Nos. NN17021/09  
NN17022/09  
NN17023/09

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

Denise J., also known as Denise B.,  
Respondent-Appellant,

James B.,  
Respondent-Appellant.

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

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about September 28, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York, Telephone No.

(914) 949-8214, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. The order of this Court entered on April 19, 2011 [M-709] is hereby recalled and vacated.

ENTER:

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

---

CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X

In the Matter of

I-Majestic A. and I-Conscious R.,

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

**M-1836**

Docket Nos. NA13207-8/08

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

George S., also known as Sun A.,  
Respondent-Appellant.

- - - - -  
Steven Banks, Esq.,  
Attorney for the Children.

-----X

Appeals having been taken from an order of the Family Court, New York County, entered on or about October 22, 2009 and from two orders of said Family Court both entered on or about March 19, 2010,

And respondent-appellant father having moved for an enlargement of time in which to perfect the aforesaid appeals and for consolidation of same,

And an order of this Court (M-1827B) being entered simultaneously herewith, sua sponte, consolidating the aforesaid appeals and enlarging the time to perfect same with related relief,

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

(M-1836)

-2-

August 25, 2011

It is ordered that the motion is granted in accordance with and to the same extent as the relief granted in the aforesaid order (M-1827B) entered 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 August 25, 2011.

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

-----X  
In the Matter of

I-Majestic A. and I-Conscious R.,

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

**M-1827B**  
Docket Nos. NA13207-8/08

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

George S., also known as Sun A.,  
Respondent-Appellant.

- - - - -  
Steven Banks, Esq.,  
Attorney for the Children.

-----X

And an order of this Court having been entered on February 2, 2010 (M-5403) granting respondent-appellant father poor person relief and assigning Carol Lipton, Esq., as counsel for purposes of prosecuting the appeal from the order entered on or about October 22, 2009,

And two additional appeals having been taken from orders of said Family Court both entered on or about March 19, 2010,

And an order of this Court having been entered on June 15, 2010 (M-1827), granting respondent-appellant father poor person relief and assigning Carol Lipton, Esq., as counsel for purposes of prosecuting the appeals from the orders entered on or about March 19, 2010,

And an order of this Court having been entered on July 13, 2010 (M-1827A), recalling and vacating the order of this Court entered on June 15, 2010 (M-1827),

And Carol Lipton, Esq., counsel for respondent-appellant father, having moved for an order recalling and vacating the order of this Court entered on July 13, 2010 (M-1827A) and reinstating the original order of this Court entered June 15, 2010 (M-1827), and consolidating all of respondent-appellant's appeals and enlarging the time in which to perfect same,

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

Ordered that the motion is granted to the extent of recalling and vacating the order of this Court entered on July 13, 2010 (M-1827A) and reinstating the order of this Court entered on June 15, 2010 (M-1827). Sua sponte, all of respondent-appellant's appeals are consolidated, permitting appellant to prosecute the appeals upon 8 copies of one record and of one set of appellant's points covering the appeals and the time in which to perfect same is enlarged to the January 2012 Term. The assignment of Carol Lipton, Esq., as counsel for respondent-appellant is continued. (See M-1836, 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 August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

Elvis Payano,  
Defendant-Appellant.

M-2822  
Ind. Nos. 4042/09  
2289/10

-----X

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

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

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

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

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 August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Diana Torres and Wilfred Torres,  
Plaintiffs-Respondents,

-against-

M-2758  
Index No. 120577/03

City of New York  
Defendant,

-and-

3280 Broadway Co., Inc., 3280  
Broadway Realty Company, LLC,  
3280 Broadway Realty Company  
and Jarlex Management, Inc.,  
Defendants-Appellants.

-----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 August 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 granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Abubakar Kamara, an infant by his  
Father and Natural Guardian,  
Abubakar Kamara, Sr., and  
Abubakar Kamara, Sr., Individually,  
Plaintiffs-Respondents,

M-2687  
Index No. 350490/09

-against-

The City of New York, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants 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 August 31, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Kelly L. Walker-White,  
Plaintiff-Respondent,

-against-

M-2575  
Index No. 101069/07

New York City Transit Authority,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 13, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
546-552 West 146th Street, LLC,  
et al.,  
Plaintiffs-Respondents,

-against-

M-2840  
Index No. 603041/06

Rachel L. Arfa, et al.,  
Defendants-Appellants.

-----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, 2010 (mot. seq. no. 011),

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 December 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 August 25, 2011.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-2873  
Ind. No. 710/08

Lloyd Nicholson,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about August 6, 2010,

And defendant-appellant having moved for a an enlargement of time in which to perfect 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 enlarging the time in which to perfect the appeal to on or before October 3, 2011 for the December 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 August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

In the Matter of the Arbitration Between  
Sandalwood Debt Fund A, L.P., a New  
Jersey Limited Partnership and  
Sandalwood Debt Fund B, L.P., a New  
Jersey Limited Partnership,  
Petitioners-Respondents,

M-2770  
Index No. 651441/10

-against-

J. Ezra Merkin,  
Respondent-Appellant.

-----X

Petitioners-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about April 11, 2011, or for preference by placing the appeal on the calendar for the next available Term of this Court and directing respondent-appellant to perfect the appeal for said Term,

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 dismissing the appeal unless perfected for the December 2011 Term. 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 August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-2800  
Case No. 5413C/10

Wilbert Canales,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 11, 2011, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute 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 August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Jodd Readick,  
Plaintiff-Respondent,

-against-

M-2579  
Index No. 350161/04

Jeannette Readick,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for dismissal of the appeals taken from order of the Supreme Court, New York County, entered on or about May 6, 2009 and August 9, 2010 (mot. seq. no. 008), respectively,

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

It is ordered that the motion is denied, with leave to renew upon proof of service on defendant-appellant individually, and upon defendant-appellate's counsel Mulhern & Klein, 445 Park Avenue, 9<sup>th</sup> Floor, New York, NY 10022 if any, to this Court.

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 August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

For an Order Pursuant to Article 78 M-2983  
of the Civil Practice Law and Rules, Index No. 400504/10

-against-

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

Respondent-respondent having moved to dismiss the appeal taken from the judgment of the Supreme Court, New York County, entered on or about June 16, 2010,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected for the December 2011 Term. Upon failure to so perfect, respondent-respondent may move on notice for dismissal 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 August 25, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Richard T. Andrias  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----x  
Armand Retamozzo,

Plaintiff-Appellant,

-against-

Diana Friedland, et al.,

Defendants-Respondents.  
-----x

M-2476  
Index No. 113920/09

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 8, 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, with leave to renew the argument regarding dismissal in the respondents' brief filed in response to the perfected 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 August 25, 2011.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
In the Matter of a Proceeding for  
Support Under Articles 4 and/or 5  
of the Family Court Act.

-----  
Sandra K.,  
Petitioner-Appellant,

M-2525  
Docket No. F-1256-98/10L

-against-

Michael K.,  
Respondent-Respondent.

-----X  
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from a decision and order upon objections of the Family Court, New York County, entered on or about December 23, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is 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 August 25, 2011.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
In the Matter of

Emmanuel Lee D., also known as  
Emmanuel J., Kareem D.,  
Eugene D., Jahiem D.,  
Kasey D.,

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

-----  
Commissioner of Social Services of the  
City of New York,  
Petitioners-Respondents,

M-2489  
Docket Nos. B14045-49/08

Richard D.,  
Respondent-Appellant.

-----  
Carol Ann Ferraro, Esq. and  
Stella Terhune, Esq.,  
Attorneys for the Children.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about April 4, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the

record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



---

CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Sheila Abdus-Salaam,  
Nelson S. Román, Justices.

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

Jessica Lee C.,  
Petitioner-Respondent,

**M-2583**  
Docket No. V9406/07C

-against-

Isidro G.,  
Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about May 2, 2011, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), including the amount and sources of his income and listing his property with its value, and including his 2009 and 2010 Federal Income Tax Returns and his most recent bank statements. (The application shall include an affidavit of the source[s] of all funds utilized by respondent.)

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 August 25, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

**M-2640**

Ind. No. 855/10

Noel Ventura,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 1, 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 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, Donald Vogelmann, 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 August 25, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

**M-2642**

Ind. No. 6030N/09

Anthony Williams,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 29, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of to post the \$5,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Edwin Delgado,  
Plaintiff-Appellant,

-against-

M-2779  
Index No. 403528/10

240 East 46th Street Condominium,  
c/o Andrea Burns Management,  
Defendant-Respondent.

-----X

Plaintiff-appellant 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 May 12, 2011, 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 serve one copy of such brief upon the attorney for respondent and file 8 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 August 25, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-2804  
Ind. No. 5644/83

James Fountain,  
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 (Roger Hayes, J.), entered on or about September 14, 2009, 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 copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of 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 Hayes 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 August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

M-2684  
Ind. No. 388/00

Ade Ngaii, also known as Ade Hughes,  
Defendant-Appellant.

-----X

An order of this Court having been entered on March 31, 2011 (M-885), granting defendant leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, rendered on or about November 18, 2010, **denying resentence** and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----x  
In the Matter of the Application of  
Terri Patterson  
Petitioner-Respondent,

For a Judgment Pursuant to Article 75  
of the Civil Practice Law and Rules

-against-

M-2643  
Index No. 111175/10

City of New York; New York City  
Department of Education; Joel Klein  
Chancellor of New York City  
Department of Education,  
Defendants-Appellants.

-----x

Petitioner-respondent having moved, for leave to impose an expedited schedule for briefing and hearing the appeal from the order of the Supreme Court, New York County, entered on or about April 11, 2011,

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

It is ordered that the motion is denied.

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 August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
All American Moving and Storage,  
Inc. and Metropolitan Security &  
Storage, Ltd.,  
Plaintiffs-Appellants,

-against-

M-2546  
M-2788  
Index No. 21995/05

W. Reilly Andrews, et al.,  
Defendants-Respondents,

Allstate Sprinkler Corp.,  
Defendants.

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

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about June 17, 2010 and June 28, 2010,

And Allstate Sprinkler Corp., third-party defendant (Action No. 1)/ defendant (Actions 2-6) having moved for an enlargement of time in which to perfect its appeal from the order of the Supreme Court, Bronx County, entered on or about June 17, 2010 (M-2546),

And Metropolitan Security & Storage, Ltd., plaintiff (Action No. 1)/ defendant (Action Nos. 3 and 4) having cross moved for an enlargement of time in which to perfect its appeal from the order of the Supreme Court, Bronx County, entered on or about June 28, 2010 (M-2788),

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

It is ordered that the motion and cross-motion (M-2546/M-2788) are granted to the extent of enlarging the time in which to perfect the appeals to the January 2012 Term. The Clerk is directed to calendar the appeals for hearing together in said Term.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of the Application of  
Ingrid Jno-Charles,  
Petitioner-Appellant,

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

-against-

M-2679  
Index No. 402238/10

New York City Housing Authority,  
Respondent-Respondent.

-----X

Petitioner-appellant 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 January 13, 2011, 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 serve one copy of such brief upon the attorney for respondent and file 8 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. The Clerk of Supreme Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, if any, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available therefor and any other fees in connection therewith. Sua sponte, appellant's time to perfect the appeal is enlarged to on or before November 7, 2011 for the January 2012 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 August 25, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Application of  
Kasiem Chaves,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-2494  
Index No. 251844/08

The Hon. Robert T. Johnson, District  
Attorney, Bronx County,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about July 7, 2009, 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 8 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. The time to perfect the appeal is enlarged to the January 2012 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 August 25, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

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

-against-

**M-2616**  
Ind. No. 2798/08

Isabel Ruffen,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 24, 2009,

And Robert S. Dean, Esq., assigned counsel for defendant, having moved for dismissal of the aforesaid appeal by reason of defendant's deportation,

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 August 25, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X

Cari, LLC,  
Plaintiff-Appellant,

-against-

**M-3006**

Index No. 650690/10

415 Greenwich Fee Owner, LLC,  
et al.,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 16, 2011 (mot. seq. no. 004),

And plaintiff-appellant having moved, pursuant to CPLR 5519(c), to stay the aforesaid order, and for related relief in the nature of a preliminary appellate injunction, pending hearing and disposition of the aforesaid appeal,

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

Ordered that the motion is denied.

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 August 25, 2011.

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

-----X  
In the Matter of the Guardianship and  
Custody of

Justen Andrews S., and  
Jessey Andrews S.,

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

-----  
Jewish Child Care Association of  
New York, et al.,  
Petitioners-Respondents,

M-2576

Docket Nos. B-7984-85/10

Benny W., also known as Benny  
William W.,  
Respondent-Appellant.

-----  
Betsy Kramer, Esq.,  
Lawyers for Children, Inc.,  
Attorney for the Children.

-----X  
Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from dispositional orders of the Family Court, Bronx County, both entered on or about April 25, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Howard M. Simms, Esq., 295 Greenwich St., #222, New York, New York 10007, Telephone No. (212) 655-5802, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have

transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 4, 2012.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----x  
In the Matter of

Justen Andrews S., also known as  
Justen Andre S.,  
and Jessey Andrews S.,

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

M-2576A

Docket Nos. B-7984-85/10

- - - - -  
Jewish Child Care Association of  
New York, et al.,  
Petitioners-Respondents,

Benny W., also known as Benny  
William W.,  
Respondent-Appellant.

- - - - -  
Betsy Kramer, Esq.,  
Lawyers for Children, Inc.,  
Attorney for the Children.

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

- - - - -  
Azmara N.G.,  
Petitioner-Appellant,

Docket Nos. V1813-15/09

-against-

Jessica Stephanie S. and the  
Administration for Children's  
Services,  
Respondents-Respondents.

-----x

An order of this Court having been entered on November 22, 2011 (M-4846), granting respondent-appellant leave to prosecute, as a poor person, the appeal from an order of fact-finding of the Family Court, Bronx County, entered on or about June 13, 2011, and from the order of disposition of same Court entered on or about October 5, 2011 (Docket Nos. B-7984-85/10), and assigning Howard M. Simms, Esq., as counsel for purposes of the appeal,

And an order of this Court having been entered on November 29, 2011 (M-4449), directing that the aforesaid appeal be perfected upon the same original record as the appeal from the order of same Court entered on or about March 31, 2011 (Docket Nos. V1813-15/09), and directing the Clerk to calendar the appeals for hearing together when perfected,

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

Ordered that the designation of Howard M. Simms, Esq., is stricken as counsel on the instant appeal (Docket Nos. B-7984-5/10) and, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, NY 10031, Telephone No. 347-645-6660, is substituted as counsel for purposes of prosecuting the appeal. The poor person relief previously granted is continued, and assigned counsel is directed to perfect the appeals within 120 days from the date of this order or the date of the filing of the record, whichever is later. The order of this Court entered on August 25, 2011 (M-2576) is hereby 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 August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Deirdre Forristal and Ciaran  
Forristal,  
Plaintiffs-Respondents,

-against-

M-3216  
Index No. 106712/08

PMF Restaurant Corp., known as  
Jack Dempsey's Pub & Restaurant,  
Shea Realty, Inc. and Dwyer  
Fitzpatrick Allied Management,  
Ltd.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 28, 2011 (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 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 August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

-----X  
Tower Insurance Company of New York,  
Plaintiff-Appellant,

-against-

M-3015  
Index No. 103282/08

458 E. 144<sup>th</sup> Street Realty Corp.,  
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 March 15, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Dean Robinson,  
Plaintiff-Respondent,

-against-

M-3003  
Index No. 16870/06

New York City Department of  
Education, formerly known as  
The Board of Education of the  
City of New York,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about September 8, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

-----X  
Ana Ramirez,  
Plaintiff-Appellant,

-against-

164 West 146 Street LLC, et al.,  
Defendants-Respondents.

M-2697  
Index No. 113935/09

-----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 August 27, 2010 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

-----X  
Richard Blatt,  
Plaintiff-Appellant,

-against-

Touchstone Television Productions,  
Defendant-Respondent.

M-3055  
Index No. 109595/07

-----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 September 23, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

-----X  
Anglo Irish Bank Corporation Limited,  
formerly known as Anglo Irish Bank  
Corporation lpc,  
Plaintiff-Respondent,

-against-

M-3047  
Index No. 103550/10

Izzy Ashkenazy,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 16, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 25, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X

Another Slice, Inc.,

Plaintiff-Appellant,

**M-3245**

Index No. 105780/10

-against-

3620 Broadway Investors LLC,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 29, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 25, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-3065**

Ind. No. 4512/02

Steve Darbasie,  
Defendant-Appellant.

-----X

An order of this Court having been entered on July 12, 2007 (M-3007), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 12, 2003,

And defendant having moved for an extension of time in which to file the pro se supplemental brief, and a copy of the minutes to defendant's arraignment held on August 2, 2002

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before November 7, 2011 for the January 2012 Term, to which Term the appeal is adjourned. The Clerk is directed to forward a copy of the aforesaid arraignment minutes, if available, to defendant for use in preparing his pro se supplemental brief. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

**M-3188**  
Ind. No. 6140/07

Loren Mackie,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 21, 2011 (M-1237), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 22, 2007,

And defendant having moved for an extension of time in which to file the pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 8 copies of his pro se supplemental brief on or before November 7, 2011 for the January 2012 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

-----X  
BDC Finance L.L.C.,  
Plaintiff-Appellant,

-against-

Barclays Bank PLC,  
Defendant-Respondent.

M-3152  
Index No. 650375/08

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeals taken from the orders of the Supreme Court, New York County, entered on or about September 19, 2010 and May 31, 2011, respectively, and for consolidation of said appeals,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 9 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeal to the December 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 August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

-----X

Lincoln Spencer Apartments, Inc.,  
Petitioner-Respondent,

-against-

M-2771  
Index No. 112676/10

Zeckendorf-68th Street Associates,  
Respondent,

-and-

The Copley Condominium and Club  
also known as Copley Condo & Club,  
Respondent-Appellant.

-----X

Respondent-appellant having moved pursuant to CPLR 5519 for a stay of the order of the Supreme Court, New York County, entered on or about June 6, 2011, 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 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 August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Kate Ade, et al.,  
Plaintiffs-Respondents,

-against-

M-3079  
Index No. 307909/09

Riverview Redevelopment Company,  
LP, et al.,  
Defendants-Appellants.  
-----X

Defendants-appellants having moved for an order marking the appeal from the order of the Supreme Court, Bronx County, entered on or about December 23, 2009, "off calendar" or, in the alternative, for an enlargement of time in which to perfect 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 enlarging the time in which to perfect the appeal to the December 2011 Term. 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 August 25, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X

Jennifer Sendor,

Plaintiff-Respondent,

-against-

**M-3077**

Index No. 350470/07

Steven Sendor,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 11, 2011 (mot. seq. no. 011),

And defendant-appellant having moved to stay the aforesaid order pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is denied.

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 August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

-----X  
Maria Ruiz,  
Plaintiff-Appellant,

-against-

M-3169  
Index No. 8847/05

Brown Stoveworks, Inc., et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about February 8, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 2011 Term, with no further enlargements to be granted.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of a Proceeding for  
Support Under Article 4 of the Family  
Court Act.

Jennifer O.-T.,  
Plaintiff-Respondent,

M-3100  
Docket No. F-24734/09

-against-

Frederick T.,  
Respondent-Appellant.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about January 31, 2011, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Tennille M. Tatum-Evans, Esq., 260 Convent Avenue, Suite #34, New York, New York 10031, Telephone No. (347) 645-6660, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this

---

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

Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

A handwritten signature in black ink, appearing to read "Susan R. Jones", written over a horizontal line.

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 August 25, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

**M-3070**

Docket Nos. V25197/09  
V25198/09

-----  
Joseph S.,  
Petitioner-Appellant,

-against-

Diane M.-S.,  
Respondent-Respondent.

-----X

An order of this Court having been entered on April 27, 2010 (M-1247) granting petitioner leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about December 8, 2009, a free copy of the transcript and inter alia, directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, and denying so much of petitioner's motion seeking the assignment of counsel,

And petitioner-appellant having moved for an order enlarging the time in which to perfect the aforesaid appeal, compelling the Clerk of the Family Court, New York County, to transcribe the minutes of the proceedings held therein which petitioner claims he has never received, and assigning appellate counsel to prosecute said appeal,

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before November 7, 2011 for the January 2012 Term. The Clerk of the Family Court is directed to have transcribed all minutes of the proceedings held therein within 45 days of service of this order upon the Clerk or, if unable to do so, file an affidavit with this Court explaining the reason why said minutes cannot be produced. So much of the motion which seeks the assignment of counsel is denied.

ENTER:

A handwritten signature in cursive script, appearing to read "Susan R. Jones", written over a horizontal line.

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 August 25, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X

Susan Capetola,  
Plaintif-Respondent,

-against-

**M-2875**

**M-3007**

Index No. 400846/10

Anthony A. Capetola,  
Defendant-Appellant.

- - - - -

Eliot F. Bloom, Esq.,  
Non-Party Appellant.

-----X

Appeals having been taken by defendant-appellant and by non-party appellant Eliot F. Bloom, Esq., former counsel for defendant-appellant, from the order of the Supreme Court, New York County, entered on or about June 7, 2011,

And defendant-appellant having moved for an order staying a certain payment to the Lawyers Fund for Client Protection (M-2875),

And non-party appellant having moved for the same relief (M-3007),

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 denied, and the interim relief granted by a Justice of this Court dated June 21, 2011 and June 29, 2011, respectively, is vacated.

ENTER:

  
CLERK



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Ira S.,  
Plaintiff-Respondent,

-against-

M-3613  
Index No. 311503/07

Janice S.,  
Defendant-Appellant.  
-----X

An appeal and cross appeals having been taken from the order of the Supreme Court, New York County, entered on or about April 29, 2010,

And defendant-appellant having moved for an enlargement of time in which to perfect the appeal and cross appeals from the aforesaid order,

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 appeals to the January 2012 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 August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
409-411 Sixth Street, LLC,  
Petitioner-Landlord-Respondent,

-against-

M-2970  
M-3008  
Index No. 50600/07

Masako Mogi,  
Respondent-Tenant-Appellant,

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

-----X

An order of this Court having been entered on August 10, 2010 (M-3151), granting respondent-tenant-appellant leave to appeal from the order of the Appellate Term, New York County, on or about March 31, 2010,

And an order of a Justice of this Court having been entered on June 29, 2011, granting tenant-appellant an interim stay of eviction upon certain conditions,

And respondent-tenant-appellant having moved by duplicate motions (M-2970/M-3008) for an enlargement of time in which to perfect the aforesaid appeal and for continuation of the stay granted by a Justice of this Court on June 29, 2011, pending hearing and determination of the appeal, and for related 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 in which to perfect the appeal to the December, 2011 Term. The stay afforded by a Justice of this Court on June 29, 2011 is continued, on the same terms and conditions stated therein, and on condition that the appeal be perfected on or before October 3, 2011 for said December 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 August 25, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-2995**

Ind. No. 6073/08

Sergei Kuramstov, also known as  
Sergei Khramstov,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 21, 2009,

And an order of this Court having been entered on February 26, 2009 (M-670) granting defendant poor person relief and assigning Steven Banks, Esq., as counsel for purposes of prosecuting the appeal,

And defendant having moved to substitute Stephen C. Cooper, Esq., as counsel for defendant and to withdraw the Saunders brief filed by assigned counsel Steven Banks, Esq., and the Legal Aid Society,

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 relieving Steven Banks, Esq., and the Legal Aid Society, and substituting retained counsel, Stephen C. Cooper, Esq., 111 Broadway, Suite 1305, New York, NY 10006, Telephone No. (212) 513-1722, as counsel for defendant. The Saunders brief filed by assigned counsel Steven Banks, Esq., and the Legal Aid Society is deemed withdrawn. The order of this Court entered

on February 26, 2009 (M-670) assigning Steven Banks, Esq., is hereby recalled and vacated. Counsel for defendant is directed to re-perfect the appeal for the January 2012 Term without payment of any further filing fee.

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 August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
11 Essex Street Corp.,  
Plaintiff,

-against-

Tower Insurance Company of New York,  
Defendant,

M-3072  
M-3074  
Index No. 600176/04

-----X  
11 Essex Street Corp.,  
Plaintiff,

-against-

Index No. 110019/04

Berzak Gold, P.C.,  
Defendants-Appellants,

7 Essex Street, L.L.C., c/o Vesta  
Development Group, DeSimone  
Consulting Engineers, Jeffrey M.  
Brown Associates, Inc., and  
Big Apple Wrecking  
and Construction Corp.,  
Defendants,

-----X  
7 Essex Street Corp.,  
Plaintiffs,

-against-

Index No. 101984/05

11 Essex Street Corp., Sion  
Misrahi,  
Defendants,

-----X  
Jeffrey M. Brown Associates, Inc.,  
Third-Party Plaintiff-Appellant,

-against-

Index No. 590172/06

Casino Development Group, Inc.,  
Casino Development Corp.,  
Casino Development Corp., formerly known  
as Danna Construction Company and William  
Charon,  
Third-Party Defendants,

-----X

-----X  
Big Apple Wrecking and Construction Corp.,  
Second Third-Party Plaintiff,

-against-

Index No. 590479/06

Safeway Environmental Corp.,  
Second Third-Party Defendants,  
-----X  
Tower Insurance Company of New York  
Third Third-Party Plaintiff,

-against-

Index No. 590879/06

Berzak Gold, P.C.,  
Third-Third-Party  
Defendant-Appellant,

7 Essex Street, L.L.C., c/o Vesta  
Development Group, Jeffrey M. Brown  
Associates, Inc., DeSimone Consulting  
Engineers, Big Apple Wrecking and  
Construction Corp., Casino Development  
Group, Inc., Casino Development Corp.,  
formerly known as Danna Construction  
Company and William Charon,  
Third Third-Party Defendants,

-----X  
Casino Development Group, Inc.,  
Casino Development Corp. and  
William Charon,  
Fourth Third-Party Plaintiff,

-against-

Index No. 590972/06

Danna Construction Corp., Danna  
Equipment Corp. and Michael Danna,  
Fourth Third-Party Defendant,

-----X  
7 Essex Street L.L.C.,  
Fifth Third-Party Plaintiff,

-against-

Index No. 590456/09

Franke Gottsegen, Cox Architects,  
Fifth Third-Party Defendants.

-----X

Defendant/third third-party defendant-appellant Berzak Gold, P.C. 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 September 10, 2010 (M-3072),

And defendant/third-party plaintiff-appellant Jeffrey M. Brown Associates, Inc., having cross-moved for an enlargement of time in which to perfect its appeal from the aforesaid order of the Supreme Court, New York County, entered on or about September 10, 2010 (M-3074)

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 enlarging the time in which to perfect the appeals to the January 2012 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 August 25, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

-----X  
Great American Insurance Companies,  
et al.,  
Plaintiffs,

-against-

M-2978  
Index No. 103565/08

Bearcat Financial Services, Inc.,  
et al.,  
Defendants.

-----X  
Patrick Hayes,  
Third-Party Plaintiff-Appellant,

-against-

Third Party  
Index No. 590789/09

Dresdner, Kleinwork, Wasserstein  
Services, LLC,  
Third-Party Defendants-Respondents.

-----X

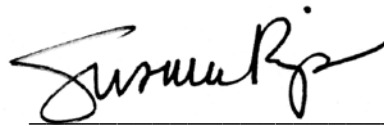
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 3, 2010 (mot. seq. no. 006),

And third-party plaintiff-appellant having moved for an order enlarging the record on appeal to include certain challenged documents (annexed to the affirmation in support of the motion of Stephen R. Krawitz, Esq. as (Exhibits A, D, E, F, and G), 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 to the extent of enlarging the record on appeal to include the aforesaid documents, and enlarging the time in which to perfect the appeal to the December 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 August 25, 2011.

PRESENT - Hon: David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

-----X  
Susan Scott Stanley and  
Michael C. Stanley, individually and as  
Guardians for a minor son,  
Plaintiffs-Appellants,

-against-

M-3288  
Index No. 103436/10

Amalithone Realty, Inc., and Amalgamated  
Lithographers of America, Local One,  
Defendants-Respondents.

-----X

An appeal having been taken from order of the Supreme Court, New York County, entered on or about March 23, 2011, and said appeal having been perfected,

And defendants-respondents having moved for an order amending the record on appeal to include certain memoranda submitted in conjunction with defendants-respondents' motion to dismiss in 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 granted to the extent of granting defendants-respondents leave to file a supplemental record containing the aforesaid memoranda, at their own expense on or before October 5, 2011 for the November 2011 Term, to which Term appeal is adjourned.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. Degrasse, Justices.

-----X  
Morse, Zelnick, Rose & Lander, LLP,  
Plaintiff-Respondent,

-against-

M-3322  
Index No. 106421/09

Ronnybrook Farm Dairy, Inc.,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about April 19, 2011,

Now, upon reading and filing the papers with respect to the motion, and the stipulation dated July 18, 2011, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of dismissing the appeal unless it is perfected for the December 2011 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof. The parties are to abide by the filing dates for said December 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 August 25, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

M-3108  
Ind. No. 4596/06

Walter Cates, Sr., also known as  
Walter Johnson,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to file his supplemental pro se brief in connection with the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 10, 2009, and for leave to unseal certain portions of the trial transcript,

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 pro se supplemental brief to the January 2012 Term, to which Term appeal is adjourned, with no further enlargements to be granted. So much of the motion seeking leave to unseal certain portions of the trial transcript 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 August 25, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X

In the Matter of a Family Offense Proceeding Under Article 8 of the Family Court Act.

Melind M., also known as  
Melina M., also known as  
Meline M.  
Petitioner-Appellant,

M-3069  
Docket Nos. O-33613/09  
O-3994/09

-against-

Joseph P.,  
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, New York County, entered on or about April 14, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. (516) 921-8800, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court.

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 August 25, 2011.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
In the Matter of

Moona C.,  
Robina C.,  
Amal K., and  
Nadia K.,

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

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

M-3229  
Docket Nos. NN2641-44/08

Charlotte K.,  
Respondent-Appellant.

- - - - -  
Steven Banks, Esq., Legal Aid Society,  
Law Guardian for Children Moona C.,  
Amal K. and Nadia K.,

Michael Moorman, Esq., Lawyers for  
Children, Law Guardian for Child  
Robina C.

-----X

Respondent-appellant having moved for a further enlargement of time in which to perfect the appeal from the orders of the Family Court, New York County, entered on or about May 1, 2009 and October 26, 2009, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals to the December 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 August 25, 2011.

Present: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X

Red Oak Fund, L.P.,  
Plaintiff-Respondent,

-against-

**M-3167**

Index No. 651559/10

Mackenzie Partners, Inc.,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 12, 2011,

And defendant-appellant having moved, pursuant to CPLR 5519(c), to stay all proceedings, including discovery, pending hearing and disposition of the aforesaid appeal,

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

Ordered that the motion is denied.

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 August 25, 2011.

PRESENT - Hon. Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X

Malach Henningham,  
Plaintiff-Respondent,

-against-

M-3326  
Index No. 7920/07

Highbridge Community Housing Development  
Fund Corp.,  
Defendant-Appellant,

Knickerbocker Construction LLC,  
et al.,  
Defendants.

-----  
(And other actions)

-----X

Plaintiff-respondent having moved for an enlargement of time in which to file a notice of cross appeal from the order of the Supreme Court, Bronx County, entered on or about February 9, 2011, and for an extension of time to file a respondent'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 to the extent it seeks an enlargement of time in which to file a notice of cross appeal is denied. That part that seeks an extension of time to file a respondent's brief is granted to the extent of adjourning the appeal to the November 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 August 25, 2011.

PRESENT - Hon. Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-3208  
Ind. No. 1545/10

Reginald McClure,  
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about June 23, 2010, having moved for leave to file a pro se supplemental brief, 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 directing defendant to serve and file 10 copies of the pro se supplemental brief, in response to the Saunders/Anders brief filed by appellate counsel, on or before November 7, 2011 for the January 2012 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been so returned.

ENTER:

  
CLERK



PM ORDERS  
ENTERED ON  
AUGUST 25, 2011

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
Jeanne Perkins,

Plaintiff-Respondent,

-against-

Bruce Elbilialia,

Defendant-Appellant.  
-----x

M-3581  
Index No. 315467/10

Defendant-appellant having moved, pursuant to CPLR 5519(c), for a stay of all proceedings pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about May 25, 2011,

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

It is ordered that the motion is granted on condition the appeal is perfected on or before October 3, 2011 for the December 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 August 25, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
Richard Torres,

Plaintiff-Respondent,

-against-

M-3538  
Index No. 304045/09

Jose Villanueva, 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 May 12, 2011, 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 August 25, 2011.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

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

For Commitment Under Article 10 of the  
Mental Hygiene Law,

-against-

M-5151A  
Ind. No. 30064/08

Derrick S.,  
Respondent-Appellant.

-----x

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 1, 2010,

And respondent-appellant having moved, pursuant to Mental Hygiene Law §10.13[c], for leave to prosecute, as a poor person, the aforesaid appeal, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for the assignment of counsel,

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

Ordered that the motion is granted to the extent of 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 Attorney General of the State of New York and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

The court reporter shall promptly make and file with the Supreme Court two transcripts of the stenographic minutes of any proceedings related to the above-captioned matter. 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 N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York 10601, Telephone No. 914-949-8214, is assigned as counsel for purposes of prosecuting the appeal on appellant's behalf. The order of this Court entered on March 24, 2011 (M-5151), is hereby recalled and vacated.

ENTER:

  
CLERK