

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2011.

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

-----X
U.S. Bank National Association, etc.,

Plaintiff-Appellant,

-against-

M-1402X
Index No. 380198/09

Emma Etokakpan, also known as
Emma U. Etokakpan, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 27, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 10, 2011.

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

-----X
MLVM Washington LLC,

Plaintiff-Respondent,

-against-

M-1652
Index No. 103037/08

Term-Washington Street Garage Corp.,
et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 4, 2009 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, filed April 7, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2011 Term, is withdrawn in accordance with the aforesaid stipulation.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 May 10, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

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

-against-

M-1230
Ind. No. 4270/03

Thomas Daniels,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about November 3, 2010, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2011.

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

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

Veronica P., M-1222
Petitioner-Respondent, Docket No. O-26681/09

-against-

Radcliff A.,
Respondent-Appellant
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about February 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, John J. Marafino, Esq., 9 West Prospect Avenue, Suite No. 409, Mount Vernon, New York 10550, Telephone No. 914-663-1500, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court

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

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

DO NOT
(A) ORDER ISSUED
SCROLL DOWN TO VIEW (A) ORDER

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 9, 2012.

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

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

Veronica P.,
Petitioner-Respondent, **M-1222A**
Docket No. 0-26681/09

-against-

Radcliff A.,
Respondent-Appellant.
-----X

An order of this Court having been entered on May 10, 2011 (M-1222) assigning John J. Marafino, Esq., as counsel to prosecute respondent-appellant's appeal from an order of the Family Court, New York County, entered on or about February 4, 2011,

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

Ordered that the designation of John J. Marafino, Esq., is stricken as counsel to prosecute appellant's appeal, and, pursuant to Section 722 of the County Law, George E. Reed, Jr., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, is substituted 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, whichever is later. The order of this Court entered on May 10, 2011 (M-1222) 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 May 10, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X

Kerwin Espino, etc., et al.,
Plaintiffs-Respondents,

-against-

M-1113

Index No. 23833/02

The New York City Board of Education,
Defendant-Appellant,

The City of New York,
Defendant.

-----X

Plaintiffs-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 18, 2011 (Appeal No. 4066),

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 May 10, 2011.

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

-----X
In the Matter of a Paternity Proceeding
Under Article 5 of the Family Court Act.

- - - - -
Commissioner of Social Services,
on behalf of Natasha T.,
Assignor-Respondent,

M-939
Docket No. P-28861/09

-against-

Dimarcus C.,
Respondent-Appellant,

Elisa Barnes,
Attorney for the Child.

-----X
An order of this Court entered March 15, 2011 (M-171),
inter alia, granting respondent-appellant father leave to
prosecute, as a poor person, the appeal from an order of the
Family Court, New York County, entered on or about December 1,
2010, and assigning Kenneth M. Tuccillo, Esq., as counsel to
prosecute the appeal,

And Benjamin B. Berlin, Esq., Family Court Attorney for
subject child, Eric M. S., having moved for an order to
substitute other counsel to respond to 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
substituting, pursuant to Article 18b of the County Law and §1120
of the Family Court Act, Elisa Barnes, Esq., 350 Broadway, Suite
No. 1100, New York, New York 10013, Telephone No. 212-693-2330,
as attorney for the subject child for purposes of responding to
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 May 10, 2011.

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

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

Respondent,

-against-

M-5133

Ind. No. 37/05

Robert Barksdale,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on April 10, 2008 (Appeal No. 3365), unanimously affirming the judgment of the Supreme Court, New York County (Robert H. Straus, J.), rendered on June 14, 2006,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 May 10, 2011.

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

-----X

In the Matter of

Brandon R., also known as
Brandon Lee R., also known as
Brandan R.,

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

- - - - -
Children's Aid Society,
Petitioner-Respondent,

M-1335
Docket No. B-16833/09

Chrystal R., also known as
Chrystal Michelle R., also known as
Crystal R.,
Respondent-Appellant.

- - - - -
Hal Silverman, Esq.,
Lawyers for Children, Inc.,
Attorney for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about December 3, 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, Patricia Jellen, Esq., 245 Park Drive, Eastchester, New York 10709, Telephone No. 914-793-7534, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of

the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-1335A, decided simultaneously herewith.)

ENTER:


CLERK

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

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

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

-----X
In the Matter of

Brandon R., also known as
Brandon Lee R., also known as
Brandan R.,

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

Children's Aid Society,
Petitioner-Respondent,

M-1335A
Docket No. B-16833/09

Chrystal R., also known as
Chrystal Michelle R., also known as
Crystal R.,
Respondent-Appellant.


Hal Silverman, Esq.,
Lawyers for Children, Inc.,
Attorney for the Child.

-----X
Respondent-appellant mother having moved for a stay of
the order of the Family Court, New York County, entered on or
about December 3, 2010, pending hearing and determination of the
appeal taken therefrom,

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

It is order that the motion is granted, on condition
that counsel perfects the appeal within 120 days of the
assignment of counsel. (See M-1335, decided simultaneously
herewith.)

Dated: New York, New York



Hon: Helen E. Freedman
Associate Justice

Entered: MAY 10 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 May 10, 2011.

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

-----X
In the Matter of

Jessica L. and
Madeline L.,

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

M-1080
Docket Nos. NN-23601-02/08

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

Errol M.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of fact-finding and disposition and permanency hearing of the Family Court, Bronx County, entered on or about May 22, 2009, 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, Anne Reiniger, Esq., 801 Second Avenue, 10th Floor, New York, New York 10017, Telephone No. 212-972-5430, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2011.

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

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

-against-

M-1197
Ind. No. 2443/90

Felipe Concepcion,
Defendant-Appellant.

-----X

Defendant 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 October 11, 2005, 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 May 10, 2011.

Present - Hon. Peter Tom,	Justice Presiding,
Angela M. Mazzairelli	
Rolando T. Acosta	
Helen E. Freedman,	Justices.

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

-against-

M-1194
Ind. No. 2207/09

Michael Carrington, also known as
DeShawn Donely, also known as
Kali Smickle,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 10, 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.

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 May 10, 2011.

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

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

-against- M-1186
Ind. No. 6576/01
Abdella Harouni,

Defendant.
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 28, 2002, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is denied in all respects. (CPL 460.30[1]).

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 May 10, 2011.

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

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

-against-

M-1189
Ind. No. 3953/08

Deshawn Donely, also known as Jose
Perez, also known as Kali Smickle,

Defendant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about September 15, 2009, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is denied in all respects.
(CPL 460.30[1]).

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 May 10, 2011.

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

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

Daniel Hogg,
Petitioner-Appellant,

M-1259
Index No. 112839/09

For a Judgment, etc.,

-against-

Raymond Kelly, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about May 10, 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 October 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 May 10, 2011.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
Diane T. Renwick
Leland G. DeGrasse, Justices.

-----x

In the Matter of the Application to
appoint a guardian for

SEALED
M-1071

Lea D., also known as
Claire H., also known as
Claire D.,

In Alleged Incapacitated Person. Index No. 500155/10

- - - - -

Marcus A. Landis,
Petitioner-Respondent,

Marisa Falero,
Respondent-Appellant.

- - - - -

In the Matter of the Application to
appoint a guardian for

Lea D., also known as
Claire H., also known as
Claire D.,

In Alleged Incapacitated Person. Index No. 500065/09

- - - - -

Marcus A. Landis,
Petitioner-Respondent,

Marisa Falero,
Respondent-Appellant.

-----x

An appeal having been taken by Marisa Falero, as former co-guardian of alleged AIP Lea D., also known as Claire H., also known as Claire D., from the order of the Supreme Court, New York County, entered on or about January 20, 2011,

And respondent-appellant having moved for a stay of appointment of a permanent guardian pending hearing and determination of the aforesaid appeal, for leave to appeal from

an order of said Court entered on or about November 23, 2010, and for other 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, without prejudice to movant raising the issues on the direct appeal. (See M-1363, 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 May 10, 2011.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
Diane T. Renwick
Leland G. DeGrasse, Justices.

-----x

In the Matter of the Application to
appoint a guardian for

M-1363

Lea D., also known as
Claire H., also known as
Claire D.,

In Alleged Incapacitated Person.

Index No. 500155/10

- - - - -
Marcus A. Landis,
Petitioner-Respondent,

Marisa Falero,
Respondent-Appellant.

- - - - -
In the Matter of the Application to
appoint a guardian for

Lea D., also known as
Claire H., also known as
Claire D.,

In Alleged Incapacitated Person.

Index No. 500065/09

- - - - -
Marcus A. Landis,
Petitioner-Respondent,

Marisa Falero,
Respondent-Appellant.

-----x

An appeal having been taken by Marisa Falero, as former co-guardian of alleged AIP Lea D., also known as Claire H., also known as Claire D., from the order of the Supreme Court, New York County, entered on or about January 20, 2011,

And former petitioner-respondent in the prior proceedings, David D., having moved for an order dismissing the aforesaid appeal, and for other relief,

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

It is ordered that the motion, to the extent it seeks to dismiss the appeal, is denied, without prejudice to raising the issue on the direct appeal, and the motion is otherwise denied. (See M-1071, 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 May 10, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
David Friedman
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-2932
Ind. No. 8891/98

Dennis Vetere,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on October 16, 2001 (Appeal No. 4947), unanimously affirming the judgment of the Supreme Court, New York County (William Wetzel, J.), rendered on September 24, 1999,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 May 10, 2011.

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

-----X
Leo Jennings,

Plaintiff-Appellant,

-against-

M-1420
Index No. 23438/03

Babatunde Adisa,

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 June 17, 2010,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Rolando T. Acosta
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Michael Cohen,
Plaintiff-Respondent,

-against-

M-961
Index No. 111512/08

New York City Industrial Development
Agency, et al.,
Defendants-Appellants.

-----X
J.H. Mack, LLC,
Third-Party Plaintiff-Appellant,

-against-

Third Party
Index No. 590139/09

Pre-Fab Construction, Inc.,
Third-Party Defendant-Respondent.

-----X
J.H. Mack, LLC, et al.,
Second Third-Party Plaintiffs-Appellants,

-against-

Giaquinto Masonry, Inc.,
Second Third-Party Defendant-Respondent.
-----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 February 2, 2011 (mot. seq. no. 005),

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

It is ordered that the motion is granted on condition defendants perfect their appeal for the September 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2011.

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

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

Respondent,

-against-

Wilton Wongshing,

Defendant-Appellant.
-----X

M-900
Ind. Nos. 6815/94
13007/93

A decision and order of this Court having been entered on December 18, 1997 (Appeal No. 62451), unanimously affirming the judgment of the Supreme Court, New York County (Jay Gold, J.), rendered on May 31, 1995,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 May 10, 2011.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
James M. Catterson
Nelson S. Román, Justices.

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

Respondent,

-against-

M-5111

Ind. Nos. 10470/97
10471/97

Sheldon Johnson, also known as Sheldon
Preston Johnson, also known as Tyrone
Gibbs,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on September 25, 2001 (Appeal Nos. 4729 and 4730), unanimously affirming the judgment of the Supreme Court, New York County (George Daniels, J.), rendered on October 28, 1998,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application 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 May 10, 2011.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
D.B. Zwirn Special Opportunities
Fund, L.P.,
Plaintiff-Respondent,

-against-

M-1228
Index No. 604074/06

Brin Investment Corp.,
Defendant-Appellant.

-----X
Brin Investment Corp.,
Plaintiff-Appellant,

-against-

Index No. 604452/06

D.B. Zwirn Special Opportunities
Fund, L.P.,
Defendant-Respondent.

-----X
Brin Investment Corp.,
Third-Party Plaintiff-Appellant,

-against-

Index No. 590094/08

Brin Management LLC,
Third-Party Defendant-Respondent.

-----X

Appeals having been taken by Brin Investment Corp., from orders of the Supreme Court, New York County, entered on or about May 26, 2010 [Index Nos. 604074/06 and 604452/06] and from an amended judgment of said Court [Index No. 604074/06] and from a judgment of said Court [Index No. 604452/06] both entered on or about February 7, 2011,

And appellant Brin Investment Corp., having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the consolidated appeals upon 9 copies of one record and of one set of appellant's points covering the appeals. Sua sponte, appellant is directed to perfect the consolidated appeals for 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 May 10, 2011.

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

-----X
The New York and Presbyterian
Hospital, New York Methodist
Hospital, The New York Hospital
Queens and The Brooklyn Hospital
Center,
Plaintiffs-Appellants,

-against-

M-1276
Index No. 603640/04E

New York State Catholic Health
Plan, Inc., doing business as
Fidelis Care New York,
Defendant-Respondent.

-----X

Defendant-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about January 13, 2011 (mot. seq. no. 009),

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 October 2011 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the appellants within ten 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 May 10, 2011.

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

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

-against-

M-1167
Ind. No. 5116/10

Kashawn Watson,
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 February 22, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 May 10, 2011.

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

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

-against-

M-1196
Ind. No. 2096/11

Carlos Franco,
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 (Renee White, J.) entered on or about February 8, 2011, 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 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 White 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 May 10, 2011.

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

-----X
Nikiyah S. Blackman,
Plaintiff-Appellant,

-against-

M-1056

Index No. 101743/02

The Hit Factory, et al.,
Defendants-Respondents.

-----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 August 19, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew, upon plaintiff-appellant's submission pursuant to CPLR 1101(b), of a certificate of an attorney stating that the attorney has examined the action and believes there is merit to the plaintiff-appellant's contentions.

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 May 10, 2011.

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

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

Respondent,

-against-

William Calderon,

M-1122
Ind. Nos. 799/10
2540/10

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 January 25, 2011, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Andrew Freifeld, Esq., 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 May 10, 2011.

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

-----X

Beato Novas,

Plaintiff-Appellant,

-against-

M-837

Index No. 101518/05

Joseph D. Zuckerman, 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, New York County, entered on or about April 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 September 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2011.

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

-----X

The People of the State of New York,

Appellant,

-against-

M-1173

Ind. No. 6738/02

Sean Austin, also known as Sean Auste,

Defendant-Respondent.

-----X

An appeal having been taken by the People from the order of **resentence** of the Supreme Court, New York County, entered on or about March 23, 2010,

And the People having moved 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 September 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2011.

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

-----X

The People of the State of New York,

Appellant,

-against-

M-1174
Ind. No. 6800/03

Mike Joseph,

Defendant-Respondent.

-----X

The People having moved for an enlargement of time in which to perfect the appeal from the judgment of **resentence** of the Supreme Court, New York County, entered on or about April 27, 2010,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Derfner Management, Inc.,
Plaintiff-Respondent,

-against-

M-843
Index No. 650060/11

Lenhill Realty Corp., et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 22, 2011,

And, defendants-appellants having moved for relief in the nature of a preliminary appellate injunction, staying enforcement of the order, enjoining plaintiff-respondent, its counsel and its agents, from destroying certain records, 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, the order appealed is stayed and plaintiff-respondent, its counsel and its agents are so enjoined on condition defendants-appellants perfect the appeal on or before August 8, 2011 for the October 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 May 10, 2011.

Present:	Hon. David Friedman,	Justice Presiding
	John W. Sweeny, Jr.	
	Leland G. DeGrasse	
	Sheila Abdus-Salaam	
	Nelson S. Román,	Justices.

-----X

Lamar Hardwick and Celeste M. Hardwick,

Claimants-Appellants,

-against-

M-1141

Claim No. 100497

The State of New York,

Defendant-Respondent.

-----X

Claimants-appellants having moved for an enlargement of
time in which to perfect the appeal from an interlocutory
judgment of the Court of Claims, New York County, entered on or
about January 6, 2010,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on May 10, 2011.

Present:	Hon. David Friedman,	Justice Presiding
	John W. Sweeny, Jr.	
	Leland G. DeGrasse	
	Sheila Abdus-Salaam	
	Nelson S. Román,	Justices.

-----X
CDR Créances S.A.S., as Successor to
Société de Banque Occidentale,
Plaintiff-Respondent,

-against-

Maurice Cohen,
Defendant-Appellant,

M-1471
M-1507
Index No. 109565/03

-and-

Summerson International, et al.,
Defendants.

-----X
CDR Créances S.A.S., as Successor to
Société de Banque Occidentale,
Plaintiff-Respondent,

-against-

Index No. 600448/06

Leon Cohen, also known as Leon Levy,
also known as Leon Levy Cohen, also
known as Leon Cohen Levy, also known as
Leon Cohen-Levy, also known as
Leon Levy-Cohen, also known as Levy Cohen,
also known as Levy Leo Cohen, also known as
Leo Cohen, Leo Cohen Levy, also known as
Leon Comen, et al.,
Defendants-Appellants,

-and-

Iderval Holdings, Ltd, et al.,
Defendants.

-----X

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 25, 2011, which consolidated and resolved motion sequence nos. 031 and 032 under Index No. 109565/03 and 039 and 040 under Index No. 600448/06 (mot. seq. nos. 031, 032 [M-1507] and 039, 040 [M-1471]),

And plaintiff-respondent in both actions having moved, by separate motions, for dismissal of the aforesaid consolidated appeals,

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

It is ordered that the motions (M-1471/M-1507) to dismiss the consolidated appeals are granted unless the appeals are perfected for the October 2011 Term.

ENTER:


CLERK

PM ORDERS
ENTERED ON
MAY 10, 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 May 10, 2011.

Present:	Hon. David B. Saxe,	Justice Presiding,
	James M. Catterson	
	Rolando T. Acosta	
	Sheila Abdus-Salaam,	
	Nelson S. Román,	Justices.

-----X

Elizabeth Hinkle,

Plaintiff-Appellant,

-against-

M-1379

Index No. 100908/07

Jonathan R. Trejo, 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, New York County, entered on or about October 29, 2009,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 10, 2011.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
George Zouvelos,

Plaintiff-Appellant,

-against-

M-1291

Index No. 101652/11

New York State Insurance Department,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 17, 2011,

And plaintiff-appellant having moved to stay a certain administrative hearing 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 May 10, 2011.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

-----x
Vito Sacchetti, et al.,
Plaintiffs-Respondents,

-against-

M-1817
Index No. 301374/07

Stern Agency, Inc.,
Defendant-Appellant,

Merchants and Business Mens Mutual
Insurance Company, et al.,
Defendants.

- - - - -
[And a third-party action]

-----x

Plaintiffs-respondents having moved for adjournment of the appeal from an order of the Supreme Court, Bronx 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 is granted, and the appeal is adjourned to the October 2011 Term.

ENTER:


CLERK