

At a 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 1, 2011.

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

-----X
MBIA Insurance Corporation and
LaCrosse Financial Products, LLC,
Plaintiffs-Appellants,

M-2378X
Index No. 601324/09

-against-

Merrill Lynch, Pierce, Fenner & Smith
Incorporated, et al.,
Defendants-Respondents.

-----X

Appeals having been taken from judgments of the Supreme
Court, New York County, entered on or about February 4, 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It is ordered that the appeals are withdrawn in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 September 1, 2011.

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

-----X
Ceaser Torres,
Plaintiff-Respondent,

-against-

M-2789X
Index No. 14179/04

Metropolitan Area Security, Inc., and
The Beer Garden, Inc., doing business as
The Roxy,
Defendants-Appellants.

-----X

Appeals having been taken from the order of the Supreme Court, Bronx County, entered on or about January 12, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 13, 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It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.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 September 1, 2011.

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

-----X
Juan Ramon Silva,
Plaintiff-Respondent,

-against-

M-2943X
Index No. 18677/07

Jerome Terrace Associates, L.P.,
F&R Property Management, LLC,
Defendants-Appellants,

Ver-Tech Elevator Construction Corp.,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 3, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 24, 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 September 1, 2011.

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

-----X
Zoraida Lopez and Jose Colon,
Plaintiffs-Respondents,

-against-

M-2947X
Index No. 13166/07

Ernest Bent,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 13, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 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 September 1, 2011.

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

-----X
Andrew Taylor,
Plaintiff-Respondent,

-against-

M-2949X
Index No. 309031/08

Mohammad Khan, et al.,
Defendants,

Christopher S. Trajcik,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 19, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 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 September 1, 2011.

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

-----X
Antonio Arturo,
Plaintiff-Respondent,

-against-

M-2951X
Index No. 305103/08

Hunts Point Terminal Produce
Cooperative Association, Inc., et al.,
Defendants,

Hunts Point Cooperative Market, Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 3, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 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 September 1, 2011.

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

-----X
Icilda Thompson,
Plaintiff-Respondent,

-against-

M-2953X
Index No. 18906/07

Prakashahandra Rao, M.D.,
Defendant-Appellant,

Glen Forrester, M.D., et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 7, 2011,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 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 September 1, 2011.

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

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

-against-

M-3109
Ind. No. 2624/07

Willis Simmons,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 19, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated June 30, 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 September 1, 2011.

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

-----X

The Rainbow Corp., et al.,
Plaintiffs-Appellants,

-against-

The City of New York, acting through
its Department of Housing Preservation
and Development, UHAB Housing
Development Fund Corporation and
Urban Homesteading Assistance
(U-HAB), Inc.,
Defendants-Respondents,

M-3073
Index No. 108071/07

-and-

NCB Capital Impact, formerly known as
NCB Development Corporation,
Defendant.

-----X

Appeals having been taken from orders of the Supreme Court,
New York County, entered on or about November 13, 2009 (mot. seq. no.
003) and on or about June 17, 2010 (mot. seq. no. 004), respectively,

Now, after pre-argument conference and upon reading and filing
the stipulation of the parties hereto, dated May 5, 2011, and due
deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the
December 2010 Term, 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 September 1, 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,

Appellant,

-against-

M-2974

Ind. No. 3664/02

Jose Figueroa,

Defendant-Respondent.

-----X

The People having appealed to this Court from an order of **resentence** of the Supreme Court, New York County, entered on or about January 15, 2010,

Now, upon reading and filing the stipulation of the parties hereto dated June 28, 2011, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 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 September 1, 2011.

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

-----X
Penny Shane,
Plaintiff-Appellant,

-against-

M-3111
Index No. 350214/02

Michael T. Tomaino, Jr.,
Defendant-Respondent.

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about June 18, 2010 (mot. seq. no. 017) and February 14, 2011 (mot. seq. no. 019), respectively ,

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 appeals, previously perfected for the June 2011 Term, 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 September 1, 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-2925
Ind. Nos. 2501/10
4827/10

Devonne Brown,
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 19, 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, 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 September 1, 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-2926
Ind. No. 4543/10

Nigel Davis,
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 4, 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 September 1, 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-2931
Ind. No. 4472/10

Eric Mays,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 12, 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


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 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-2938
SCI No. 869/11

Shawnta Royster,
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 4, 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 September 1, 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-2939
Ind. No. 2641/10

Joseph Spanarkel,
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 11, 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

Susan R.
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 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-2928
Ind. No. 4574/08

Jerome Jamison,
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 (Carro, J.) entered on or about January 5, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 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 Carro as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Ninth Avenue Realty LLC,
Petitioner-Landlord-Appellant,

-against-

M-1884
Index No. 570539/10

Charles McKay and Bret D. Silver,
Respondent-Tenants-Respondents,

-and-

"John Doe' and/or "Jane Doe",
Respondents-Undertenants.

-----X

An order of this Court having been entered April 7, 2011, denying petitioner leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about November 18, 2010 (M-621),

Petitioner having moved for vacatur of the aforesaid order of this Court entered April 7, 2011 (M-621) or, in the alternative, to transfer said motion to the Court of 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 denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 2011.

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

-----X
Meghan Beard, Inc., etc.,

Plaintiff-Appellant,

-against-

M-1932
Index No. 107626/09

Aina Fadina, et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on March 24, 2011 (Appeal No. 4252),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 2011.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Richard T. Andrias
Karla Moskowitz
Helen E. Freedman, Justices.

-----X

GPH Partners, LLC,
Plaintiff-Appellant,

-against-

M-2757
Index No. 111186/07

American Home Assurance Company,
et al.,
Defendants,

Admiral Insurance Company,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument or reconsideration of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 12, 2011 (Appeal No. 5057),

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, upon reargument, the decision and order of this Court entered on May 12, 2011 (Appeal No. 5057) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 5057, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on September 1, 2011.

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

-----x
In the Matter of

Tottianna B. and Destiny B.,

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

- - - - -
Commissioner of Social Services of
the City of New York,
Petitioner-Respondent,

M-5
Docket Nos. NN19456/05
NN19457/05

Jessika R.,
Respondent-Appellant.

- - - - -
Mina MacFarlane, Esq.,
Attorney for the Children.

-----x

An order of this Court having been entered on December 8, 2009
(M-4402), granting respondent-appellant leave to prosecute, as a poor
person, the appeal from the order of Family Court, Bronx County,
entered on or about April 22, 2009, and assigning counsel therefor,

And Mina MacFarlane, Esq., attorney for the subject children,
having moved for an order to be relieved as attorney for the children
and to substitute other counsel for purposes of responding to the
appeal,

Now, upon reading and filing the papers with respect to the
motion, and the correspondence from Carol Lipton, Esq., counsel for
respondent-appellant, and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn in
accordance with the aforesaid correspondence.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 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-2556
Ind. No. 3565/08

Fernando Salas,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (A. Kirke Bartley, Jr., J.) entered on or about May 5, 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 Bartley as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 2011.

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

-----X

Carmen Dalia Torres Taveras,

Plaintiff-Appellant,

-against-

M-2624

Index No. 303498/10

Envy Nail Inc.,

Defendant-Respondent.

-----X

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

And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal, and for review of an order of the same court declining certain ex parte relief,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 2012 Term, and the motion is otherwise denied, without prejudice to further proceedings in Supreme 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 September 1, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Leland G. DeGrasse
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Robin Lloyd, as Executor of the
Estate of Eliza L. Moore,
Plaintiff-Appellant,

-against-

M-2210
Index No. 124120/02

St. Vincent's Manhattan
Hospital, etc., et al.,
Defendants,

Ahmed A. Rawanduzy, M.D.,
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 7, 2011 (Appeal No. 4289),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 2011.

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

-----X

Thomas Gass,
Plaintiff-Respondent,

-against-

M-2644

Index No. 302536/08

Susan Gass,
Defendant-Appellant.

-----X

Defendant-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 26, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record 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. (See M-2746, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 2011.

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

-----X

Thomas Gass,

Plaintiff-Respondent,

-against-

M-2746

Index No. 302536/08

Susan Gass,

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 26, 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 on or before November 7, 2011 for the January 2012 Term. (See M-2644, decided simultaneously herewith.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 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-2806
Ind. No. 3999/03

Zhomy Quito,
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 (Gregory Carro, J.) entered on or about May 23, 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 Carro as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Richard M. Greenberg, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which to perfect the appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 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-2715
Ind. No. 3109/10

Dylon Bayliss,
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 May 11, 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 funds to post the \$5,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department in
the County of New York on September 1, 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

Anna Carter,
Petitioner-Appellant,

M-2772
Index No. 401498/10

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

-against-

Board of Education/Leaves Admin/HR
Connect,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute,
as a poor person, the appeal from the judgment of the Supreme Court,
New York County, entered on or about April 28, 2011, for leave to
have the appeal heard on the original record and upon a reproduced
appellant's brief, and for a stay of payroll deductions by respondent
Board of Education pending hearing and determination of said 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 denied, with leave to renew
only so much of the motion which seeks poor person relief upon
petitioner-appellant's submission of a detailed notarized affidavit,
in compliance with CPLR 1101(a), including a certificate attesting
to the merit of contentions pursuant to CPLR 1101(b).

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 2011.

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

-----X
90 Broad Owner, LLC,
Plaintiff-Appellant,

-against-

M-2792
Index No. 116934/09

Flomenhaft & Cannata, L.L.P.,
Michael Flomenhaft and Jacoby &
Meyers, L.L.P.,
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 July 26, 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 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 September 1, 2011.

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

-----x
American Express Travel Related
Services Company, Inc.,
Plaintiff-Respondent,

-against-

M-2819
Index No. 400453/07

Aviv Gaal,
Defendant-Appellant.

-----x

Appeals having been taken to this Court by defendant-appellant from and order and judgment of the Supreme Court New York County, entered on or about August 19, 2010 (mot. seq. nos. 003, 004) and April 13, 2011, respectively,

And defendant-appellant having moved for consolidation of the aforesaid appeals, 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 appellant to prosecute the appeals upon 9 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the February 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 September 1, 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

Joyce M. Griffin,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

M-2865
Index No. 402981/10

-against-

New York City Department of Housing
Preservation and Development, et al.,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondents having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 7, 2011,

And respondents, Riverside Park Community, LLC and Riverside Park Community II, LLC, having moved to vacate a certain stay of the action under Index No. 83704/10 in Civil Court of the City of New York, New York County, granted in the aforesaid order entered on or about January 7, 2011 or, in the alternative, to direct petitioner-tenant Joyce M. Griffin and respondent New York City Department of Housing Preservation and Development to pay all of petitioner Griffin's past due use and occupancy, as well as use and occupancy pendente lite,

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 vacating the aforesaid stay unless petitioner perfects the proceeding on or before November 7, 2011 for the January 2012 Term, and on further condition that petitioner pay and remain current in her pre-termination share of the monthly rent, beginning with the rent due for October 2011. Upon fulfillment of both conditions, the stay shall continue pending hearing and determination of the proceeding. Upon failure to meet either condition, respondents may move on notice to vacate the stay.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 2011.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick
Nelson S. Román, Justices.

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

-against-

M-3417
Ind. No. 38/09

Steven Rondos,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on June 7, 2011 (Appeal No. 5282),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 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 a Proceeding for
Custody/Visitation Under Article 6
of the Family Court Act.

Craig S.,
Petitioner-Appellant, **M-2581**
Docket No. V8834/06

-against-

Donna S.,
Respondent-Respondent.

Richard L. Herzfeld, Esq.,
Attorney for the Child.
-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about April 7, 2011,

And the attorney for the child, Rosemary Rivieccio, Esq., having moved for an order to be relieved as attorney and to substitute other counsel to respond to 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 relieving movant as attorney for the child and substituting, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Richard L. Herzfeld, Esq., 61 Broadway, Suite #1401, New York, NY 10006, Telephone No. (212) 818-9019, as counsel for purposes of responding to the appeal. (See M-2505, decided simultaneously herewith.)

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 2011.

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

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

- - - - -
Craig S., **M-2505**
Petitioner-Appellant, Docket No. V8834/06

-against-

Donna S.,
Respondent-Respondent.

- - - - -
Rosemary Rivieccio, Esq.,
Attorney for the Child.

-----X
Petitioner-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 April 7, 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, Kenneth M. Tuccillo, Esq., P.O. Box 576, Hasting on Hudson, New York, NY 10706, Telephone No. (914) 439-4843, 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-2581, decided simultaneously herewith.)

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 September 1, 2011.

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

-----X
In the Matter of the Estate of

Chi-Chuan Wang, also known as
C.C. Wang,
Deceased.

- - - - -
Yien-Koo Wang King,
Objectant-Appellant,

-against-

Shou-Kung Wang and Andrew Wang,
Proponents-Respondents.

-----X

An appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about January 21, 2011, which held the probate trial in this matter in abeyance,

And objectant-appellant having moved, pursuant to CPLR 5701(c), for an leave to appeal to this Court from the aforesaid order of the Surrogate's Court, for a preference in the hearing of said 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 for leave to appeal to this Court is granted, so much of the motion which seeks a preference in the hearing of the appeal is granted to the extent of directing the Clerk to maintain the appeal on the calendar for the Term with respect to which it is perfected.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 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-3282
Index No. 7170/95

Jeffrey Banks, also known as Kevin
Weems,
Defendant-Appellant.

-----X

Counsel for defendant-appellant having moved for dismissal of the appeal taken from the judgement of the Supreme Court, New York County, rendered on or about January 26, 2010, and said appeal having been perfected,

Now, upon reading and filing the papers with respect to the motion including the stipulation between the parties dated July 13, 2011, and due deliberation having been had thereon,

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 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 the Commitment for
the Custody and Guardianship of

Emmanuel Kymani B., also
known as Emanuel B., also
known as Emanuel W., also known
as Emanuel K. B.,

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

- - - - -
MercyFirst, et al., M-3144A
Petitioners-Respondents, M-3649
Docket No. B25204/09

Eric A. B., also known as Eric B.,
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from a judgment and order of the Family Court, New York County, entered on or about May 27, 2011, and for a free copy of the transcript, and for related relief, including an enlargement of time to perfect the aforesaid appeal and continuation of a stay granted by an order of a Justice of this Court on June 28, 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 to the extent of
(1) 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;** (2) 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 (3) 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. **Counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** The stay granted by the order of a Justice of this Court dated June 28, 2011 is continued pending hearing and determination of the appeal on condition the appeal is perfected in accordance with the aforesaid directive numbered (3), *supra*. The order of this Court entered on August 11, 2011 (M-3144) is hereby recalled and vacated.

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 September 1, 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,

-against-

M-2880
Ind. No. 5974/98

Jeffrey Staboleski,

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 2,
1998, 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, to the extent it seeks
an enlargement of time in which to file a notice of appeal, is
denied. So much of the motion which seeks to prosecute said
appeal as a poor person relief and the assignment of counsel
is denied as moot.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme
Court held in and for the First Judicial Department
in the County of New York on September 1, 2011.

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

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

-against-

M-2879
Case No. 42190C/05

Jason Kelty,

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, Bronx County, rendered on or about June 15, 2007, 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, to the extent it seeks an
enlargement of time in which to file a notice of appeal, is
denied. So much of the motion which seeks to prosecute said
appeal as a poor person relief and the assignment of counsel
is denied as moot.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 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-3117
Ind. No. 50/08

Robert McCoy,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 28, 2011 (M-1102), 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 November 5, 2008,

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 September 1, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Richard T. Andrias
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3119
Ind. No. 7538/89

Johnathan Padworski, also known as
Jonathan Papworski, also known as
Gerald David, also known as Gerald
Davis,

Defendant-Appellant.

-----X

An order of this Court having been entered on April 12, 2011 (M-5428, inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about August 3, 2009,

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

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before 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 September 1, 2011.

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

-----x

William Hartnett, et al.,
Plaintiffs-Appellants,

-against-

Chanel, Inc., et al.,
Defendants-Respondents.

M-3011

Index No. 400132/08

- - - - -
Chanel, Inc.,
Third-Party Plaintiff-Respondent,

-against-

Bloomingdale's, Inc.,
Third-Party Defendant-Respondent.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 5, 2010, and said appeal having been perfected,

And defendant-respondent Chanel, Inc. having moved for an enlargement of time to file a respondent's 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 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 September 1, 2011.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----x
In the Matter of an Article 75
Proceeding in the Nature of Prohibition,

Julianne Polito,
Petitioner,

Index No. 114618/10

-against-

New York City Department of Education,
also known as The City School District
of the City of New York,
Respondent.

M-3234

- - - - -
In the Matter of the Application of
Julianne Polito,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

Index No. 104919/11

-against-

New York City Department of Education,
also known as The City School District
of the City of New York,
Respondent-Respondent.

-----x
An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about May 23, 2011,

And petitioner having moved for a stay of the Article 75 Proceeding under Index No. 114618/10, which denied a motion seeking recusal of a judge from the proceeding, 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 September 1, 2011.

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

-----X

Harry Reid,
Plaintiff-Appellant,

-against-

M-2833
Index No. 23737/04

Best Buy Co., Inc., Best Buy
Stores, L.P., G&S Investors/
Jersey City II, LLC, G&S
Mount Vernon LLC and G&S
Mount Vernon, Inc.,
Defendants-Respondents.

-----X

Best Buy Stores, L.P.,
Third-Party Plaintiff,

-against-

Third Party
Index No. 84793/05

G&S Mount Vernon, LLC,
Third-Party Defendants.

-----X

(And other actions)

-----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 24, 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 September 1, 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-3105
Index No. 4295/05

David Green,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 10, 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 to the extent of enlarging the time in which to perfect the appeal 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 September 1, 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 the Application of
The State of New York,

Petitioner-Respondent,

M-3186

Index No. 30034/08

-against-

Gary Murray,

Respondent-Appellant.
-----X

Respondent-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 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 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 September 1, 2011.

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

-----X
Ada Pretto Aparicio, Individually
and as Administratrix of the Estate
of Mary Aparicio, deceased,
Plaintiffs-Appellants,

-against-

M-2871
Index No. 22992/04

Dr. Gary Goldberg, Montefiore
Hospital Center,
Defendants-Respondents,

-and-

Dr. Kenneth Eng, NYU General
Surgery Associates, New York
University Medical Center
and Dr. Howard Hochster,
Defendants.

-----X

Plaintiffs-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 November 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 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 September 1, 2011.

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

-----X

Aon Service Corporation,

Plaintiff-Appellant,

-against-

M-2923

Index No. 602841/09

Fairfield Greenwich Advisors, LLC
and Fairfield Greenwich Limited,

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 August 12, 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 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 September 1, 2011.

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

-----X
Liam Blainey,
Plaintiff-Respondent,

-against-

M-2971
Index No. 13919/04

Metro-North Commuter Railroad,
a subsidiary of the Metropolitan
Transportation Authority, The
Metropolitan Transportation
Authority, The New York City
Transit Authority and the City
of New York,
Defendants-Appellants.

-----X

Defendants-appellants 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 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 granted to the extent of enlarging the time in which to perfect the appeal 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 September 1, 2011.

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

-----X

Patricia Ynoa,

Plaintiff-Appellant,

-against-

M-3016

Index No. 25261/04

New York City Transit Authority,

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, Bronx 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 granted to the extent of enlarging the time in which to perfect the appeal 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 September 1, 2011.

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

-----x

Whitney Group, LLC,
Plaintiff-Respondent,

-against-

M-3202
M-3203

Hunt-Scanlon Corporation, et al.,
Defendants,

Index No. 602775/08

-and-

Jaspan Schlesinger Hoffman LLP and
Robert Londin,
Defendants-Appellants.

- - - - -
(And other actions)

-----x

Appeals having been taken to this Court by defendants/third-party plaintiffs Jaspan Schlesinger Hoffman LLP, et al. from orders of the Supreme Court, New York County, entered on or about July 16, 2010 and January 25, 2011 (mot. seq. nos. 012, 013), respectively,

And an order of this Court having been entered on June 21, 2011 (M-2333), enlarging defendants-appellants' time to perfect the appeal from the order entered on or about July 16, 2010 to the November 2011 Term,

And defendants-appellants having moved, by separate motions, for an enlargement of time to perfect the appeal from the order entered on or about January 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 motions are granted and, sua sponte, the aforesaid appeals are consolidated and defendants-appellants are permitted to prosecute the consolidated appeals upon 9 copies of one record and one set of appellants' points covering the consolidated appeals. The attention of the parties is directed to 22 NYCRR § 600.11. The time to perfect consolidated appeals 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 September 1, 2011.

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

-----X
Angela Betancourt and Tomasita
Betancourt, as Administrator of
the Estate of Richard P. Betancourt,
Plaintiffs-Respondents,

-against-

M-2984
Index No. 104905/09

Postal Transport, Inc., et al.,
Defendants,

Hale Trailer Brake & Wheel, Inc.,
Defendant-Appellant.

-----X

Defendant-appellant Hale Trailer Brake & Wheel, Inc.
having moved for an enlargement of time in which to perfect the
appeal from the order of the Supreme Court, New York County,
entered on or about October 4, 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
February 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 September 1, 2011.

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

-----X
Anita Rapone and Charles R. Simpson,

Petitioner-Appellant,

-against-

M-2944
Index No. 68908/08

Esther Katz and Theresa Collins,

Respondents-Respondents.

-----X

Petitioners-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about January 18, 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 September 1, 2011.

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

-----X
177 Christie, Inc., etc., et al.,

Petitioners-Appellants,

-against-

M-2682
Index No. 109536/08

Environmental Control Board of the
City of New York, et al.,

Respondents-Respondents.

-----X

Petitioners-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 21, 2011 (Appeal No. 4866),

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

It is ordered that the motion is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 2011.

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

-----X
In the Matter of

Leah G.,
Taia T. G., and
Tiara G.,

M-3081

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

Docket Nos. NN35188-90/10

- - - - -
Administration for Children's
Services, et al.,
Petitioners-Respondents,

Cheryl R.,
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 a decision after fact finding and an order of disposition of the Family Court, New York County, entered on or about April 20, 2011 and May 17, 2011, respectively, 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, Kenneth M. Tuccillo, Esq.,

385 Warburton Avenue, Hastings on Hudson, New York, NY 10706, Telephone No. (914) 439-4843, 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:

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

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 September 1, 2011.

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

-----X

In the Matter of

Princess Ashley C.
and Prince Michael C.,

M-3224

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

Docket Nos. NN14297/10
NN14298/10
V52031/09
V52030/09

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

-against-

Florida S-C.,
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 the Family Court, New York County, entered on or about June 27, 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, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, NY 10007, Telephone No. (212) 233-0318, 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:

A handwritten signature in black ink, appearing to read "Susan R. [unclear]", is written over a horizontal line.

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 September 1, 2011.

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

-----X
In the Matter of

Ta Aisha H.,

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

- - - - -
Administration for Children's Services,
Petitioners-Respondents,

M-3231
Docket No. NN-29767/10

Terrence H.,
Respondent-Appellant,

Patrice J.,
Respondent.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, Bronx County, entered on or about June 8, 2011 and June 22, 2011, respectively, 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, Richard L. Herzfeld, Esq., 61 Broadway Suite #1900, New York, NY 10006, Telephone No. (212) 818-9019, 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:

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

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 September 1, 2011.

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

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

Maritza H.,
Petitioner-Appellant,

M-3246
Docket No. V-10924/09

-against-

Administration for Children's Services,
Ann Marie B. and Michael M., Sr.,
Respondents-Respondents.

-----X
Petitioner-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 May 18, 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, Israel P. Inyama, Esq., 244 Fifth Avenue, Suite 2582, New York, New York 10001, Telephone No. (646) 595-9090, 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**

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

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", is written above 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 September 1, 2011.

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

-----X
In the Matter of as Family Offense
Proceeding Under Article 8 of the
Family Court Act,

Susan S.,
Petitioner-Appellant,

-against-

M-3356
Docket No. O-2422/11

Jacqueline S.,
Respondent-Respondent.

-----X
In the Matter of as Family Offense
Proceeding Under Article 8 of the
Family Court Act,

Jacqueline S.,
Petitioner-Respondent,

-against-

Docket No. O-2637/10

Susan S.,
Respondent-Appellant.

-----X

Petitioner/respondent-appellant Susan S. having moved for leave to prosecute, as a poor person, the appeals from the orders of the Family Court, New York County, both entered on or about July 14, 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, George E. Reed Jr., Esq., 222 Mamaroneck Ave., White Plains, NY 10605, Telephone No. (914) 946-5000, as counsel for purposes of prosecuting the appeals;

(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 September 1, 2011.

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

-----X

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

Grace L.,
Petitioner-Appellant,

M-3225
Docket No. V8610-2/05

-against-

James C.,
Respondent,

Sheila L.,
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 February 17, 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, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, NY 10013, Telephone No. (212) 693-2330, 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 September 1, 2011.

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

-----X
F. Isaac Hakim,
Plaintiff-Respondent,

-against-

M-3424
M-3548
Index No. 651529/10

Kamram Hakim and 41 West 57th
Street, LLC,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for an enlargement of time in which to file his respondent's brief for the appeal taken from the order of the Supreme Court, New York County, entered on or about May 12, 2011 (M-3424), and said appeal having been perfected,

And defendants-appellants having cross-moved to stay all proceedings, should the aforesaid enlargement of time be granted, pending hearing and determination of the appeal (M-3548),

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 adjourning the appeal to the November 2011 Term, with no further adjournments to be granted (M-3424). The cross motion is granted (M-3548).

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 2011.

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

-----X
Naghib Sumar,

Plaintiff-Respondent,

-against-

M-3521
Index No. 112984/09

Barry Fox and Malla Perry,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to file a reply brief in connection with the appeal from the order of the Supreme Court, New York County, entered on or about May 21, 2010, and said appeal having been perfected,

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 file appellant's reply brief to on or before September 16, 2011 for the October 2011 Term, to which Term the 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 September 1, 2011.

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

-----X
In the Matter of the Application of Mazur
Carp Rubin & Schulman, P.C., Attorneys at
Law,
Petitioners-Respondents,

to Fix and Determine Compensation of Said
Attorneys for Litigation Services Rendered
to Ruth A. Haderski, Sherrill L. Deandradge,
Grace L. Price, Margaret M. Haderski and
Susan M. Cook as Beneficiaries of the
Estate of

M-3161
M-3392
Surrogate's Court
File No. 2929/04

Stephen Haderski, also known as Stephen J.
Haderski, Jr., also known as Stephen J.
Haderski, also known as Stephen Joseph
Haderski, Deceased,
Respondents-Appellants.

-----X
Appeals having been taken to this Court from an order of the Surrogate's Court, New York County, entered on or about January 14, 2010 and the decree from the same Court and Surrogate entered on or about September 16, 2010, respectively,

And respondents-appellants having moved for an enlargement of time in which to perfect the aforesaid appeals (M-3161),

And petitioners-respondents having cross-moved to dismiss the aforesaid appeals (M-3392),

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 (M-3161). The cross motion is denied (M-3392). The stay previously granted, and continued by the order of this Court entered May 12, 2011 (M-1198), is continued on the same terms pending hearing and determination of the appeal on condition the appeal is perfected for said 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 September 1, 2011.

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

-----X
Carlton Mackay,

Plaintiff-Appellant,

-against-

M-3183
Index No. 101934/08

Edward C. Yoon and Gene S. Yoon,

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 May 20, 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 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 September 1, 2011.

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

-----X
McMahan Securities Co. L.P.,

Plaintiff-Respondent,

-against-

M-3527
Index No. 111952/08

Kleinberg, Kaplan, Wolff & Cohen,
P.C., David Parker and Martin D.
Sklar,

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 October 12, 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 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 September 1, 2011.

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

-----x
Village Center for Care,
Plaintiff-Appellant,

-against-

M-2912
Index No. 651668/11

Sligo Realty and Service Corp.,
Defendant-Respondent.

-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about June 20, 2011 and June 21, 2011, respectively,

And plaintiff-appellant having moved for a stay of enforcement of the orders pending hearing and determination of the appeals 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 to the extent of continuing the relief granted by a Justice of this Court on June 24, 2011 pending hearing and determination of the appeal on condition the appeal is perfected on or before October 3, 2011 for the December 2011 Term, and the motion is otherwise denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 2011.

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

-----X

Princeton Holdings LLC,
Petitioner-Appellant,

-against-

M-3415
Index No. 651483/11

Michael Ring and The Broadsmoore Group,
LLC,
Respondents-Respondents.

-----X

The above-named petitioner, in connection with the appeal taken from the orders of the Supreme Court, New York County, both entered on or about July 19, 2011 (mot. seq. nos. 001 and 002), having moved for relief in the nature of a preliminary appellate injunction enjoining respondents from transferring or encumbering certain listed properties or the tenancy-in-common or other equity interests held by respondent Michael Ring, 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 on condition the appeal is perfected on or before October 3, 2011 for the December 2011 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided respondent(s) serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 1, 2011.

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

-----x
Mashreqbank PSC,
Plaintiff-Respondent,

-against-

Index No. 601650/09

Ahmed Hamad Al Gosaibi & Brothers
Company,
Defendant-Appellant.

- - - - -

M-3505

Ahmed Hamad Al Gosaibi & Brothers
Company,
Third-Party Plaintiff-Appellant,

-against-

Index No. 590643/09

Maan Abdulwaheed Al Sanea,
Third-Party Defendant-Respondent,

Awal Bank BSC,
Third-Party Defendant.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 29, 2010, and from the judgment of said Court entered on or about August 11, 2010,

And plaintiff/third-party plaintiff-appellant having moved for leave to file a supplemental record on appeal to include documents 1 through 6, p. 2 as indicated in the moving papers in support of the motion,

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 plaintiff is directed to immediately file 10 copies of the supplemental record on appeal containing the aforesaid documents in the moving papers. Sua sponte, the appeal is adjourned 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 September 1, 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-3408

Case No. 65925C/06

Carl D. Wells,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about June 11, 2008, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 8 copies of his pro se supplemental brief on or before October 3, 2011 for the December 2011 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 returned.

ENTER:


CLERK

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. Richard T. Andrias
Justice of the Appellate Division

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

Joseph Richards,
Defendant-Appellant.
-----X

M-2293
Ind. No. 1549/09

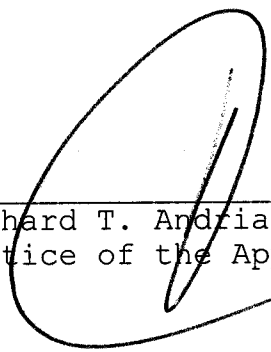
ORDER DENYING ROR
AFTER APPEAL TAKEN

An appeal having been taken to this Court by the above-named defendant from the judgment of the Supreme Court, New York County, rendered on April 7, 2010, and defendant having moved for an order releasing on recognizance pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied.

Dated: July 19, 2010
New York, New York



Richard T. Andrias
Justice of the Appellate Division

ENTERED: September 1, 2011

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

BEFORE: Hon. Richard T. Andrias
Justice of the Appellate Division

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

Respondent,

-against-

CERTIFICATE
GRANTING LEAVE

M-2796
Ind. No. 3782/07


Douglas Latta, a/k/a "Kelly Graham,"
a/k/a "Real",

Defendant-Appellant.

-----X
I, Richard T. Andrias, a Justice of the Appellate Division,
Supreme Court, First Department, do hereby certify that, upon
application timely made by defendant-appellant for a certificate
pursuant to CPL 460.20, and upon the record and proceedings
herein,¹ this case involves a question of law which ought to be
reviewed by the Court of Appeals and permission to appeal is
hereby granted. (M-2473, entered 8/11/11, recalled and vacated.)

Dated: August 19, 2011
New York, New York

Entered: September 1, 2011



Richard T. Andrias,
Justice of the Appellate Division

¹Description of Order:

04/19/11 (Appeal No. 3176)
App. Div. 1st Dept.

NOTICE: Within 10 days from the issuance of this certificate, a
jurisdictional statement must be filed with the Clerk of the Court of
Appeals pursuant to § 500.2 of the Rules of the Court of Appeals. (22
NYCRR § 500.2).

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

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

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

M-3067
Ind. No. 2850/92

-against-

CERTIFICATE
DENYING LEAVE

Antonio Ventura, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 16, 2010, is hereby denied.

Dated: New York, New York
August 1, 2011

Entered: September 1, 2011



Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

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

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

M-3168
Ind. No. 1760/08

-against-


CERTIFICATE
DENYING LEAVE

Jalil Abdul, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about March 15, 2011, is hereby denied.

Dated: New York, New York
August 1, 2011

Entered: September 1, 2011



Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

BEFORE: Hon. Sallie Manzanet-Daniels
Justice of the Appellate Division

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

M-1463
Ind. No. 2735/95

-against-

CERTIFICATE
GRANTING LEAVE

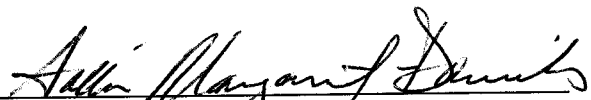
Roman Baret, also known as Baret Roman

Defendant-Appellant.
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, Bronx County (Raymond L. Bruce), entered on or about March 3, 2011 is hereby granted.¹

Dated: August 1, 2011
New York, New York

Entered: September 1, 2011


Associate Justice

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

PM ORDERS

ENTERED ON

SEPTEMBER 1, 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 September 1, 2011.

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

-----x

Trizechahn, Inc.,
Plaintiff-Respondent-Appellant,

-against-

M-2986

M-3689

Timbil Chiller Maintenance Corp.,
Defendant-Appellant-Respondent,

Index No. 111425/04

Tuhill Corp., etc., et al.,
Defendants.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 26, 2010, and said appeal having been perfected,

And plaintiff-respondent-appellant having moved, by separate motions, for an enlargement of time to file a respondent's and cross appellant's brief,

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 adjourning the appeal and cross appeal 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 September 1, 2011.

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

-----X
Mutual Benefits Offshore Fund,
Plaintiff-Respondent,

-against-

M-3628
Index No. 650438/09

Emanuel Zeltser, et al.,
Defendants-Respondents,

Sternik & Zeltser, M.E. and Joseph Kay,
Defendants-Appellants.

-----X
Sternik & Zeltser, as Trustee for the
Assets of Kayley Investments, Ltd.,
and Joseph Kay,
Counterclaim-Plaintiffs-Appellants,

-against-

Mutual Benefits Offshore Fund, Ltd.,
Counterclaim Defendant-Respondent,

Christopher Samuelson, et al.,
Additional Counterclaim-Defendants.

-----X

Counterclaim-plaintiff-appellant Joseph Kay 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
November 4, 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