

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

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

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

-against-

M-1217
Ind. No. 202/09

Joseph Garcia,
Defendant-Appellant.
-----X

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

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

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

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

-against-

M-1219
Ind. No. 2812/06

Kenneth Glassman-Blanco,
Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about January 14, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

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

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

-against-

M-1220
Ind. No. 3177/09

Donald Middleton,
Defendant-Appellant.

-----x

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

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on April 27, 2010.

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

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

-against-

M-1224
Ind. No. 1458/01

Joel Stella,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about January 6, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to Sec. 722 of the County Law. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire
Sheila Abdus-Salaam, Justices.

-----X
Betty Floyd,
Claimant-Appellant,

M-1207
Claim No. 113494

-against-

The State of New York Division of
Human Rights,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Court of Claims of the State of New York entered on or about December 4, 2008,

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

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

Ordered that the motion is denied and, sua sponte, the appeal is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire
Sheila Abdus-Salaam, Justices.

-----X
Yuan Zhai,
Plaintiff,

-against-

M-374
Index No. 571089/02

Chemical Bank, et al.,
Defendants.

(Supreme Court Index No. 114299/96
Civil Court Index No. 395TSN/98
Appellate Term Index No. 571089/02)
-----X

Plaintiff having moved, pursuant to CPLR 5015 (a) (2) (3), to vacate orders of the Supreme Court, New York County, entered on or about May 30, 1997 and April 7, 1998, orders of the Civil Court, New York County, entered on or about March 17, 1998, March 29, 1999 and May 13, 2002, the order of the Appellate Term, First Department, entered on or about June 11, 2003 and from the order of this Court entered on December 4, 2003, respectively,

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

Ordered that the motion is denied.

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 April 27, 2010.

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

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

-against-

M-1475
Ind. No. 9039/96

Robert Miles,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about February 26, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings before Judge Bartley, if any. 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 April 27, 2010.

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

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

-against-

Ray Tavaraz,
Defendant-Appellant.

M-1479
Ind. Nos. 5241/99
5261/99
1824/00

-----X

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

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings before Judge Alvarado, if any. 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 April 27, 2010.

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

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

-against-

M-1425
Ind. No. 3944/07

Michael Lewis,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 8, 2010, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

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

-----X
West 147 and 150 LLC,
Plaintiff-Appellant,

-against-

M-1141
Index No. 105803/07

Carlos Santana, et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 14, 2009,

And plaintiff-appellant having moved to stay a counsel fee hearing, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition that, within 20 days of entry of this order, plaintiff-appellant posts an undertaking in the amount of \$40,000, and on further condition that plaintiff-appellant perfects the appeal on or before July 12, 2010 for the September 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that defendants-respondents serve a copy of this order upon plaintiff-appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

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

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

-against-

M-1212
Ind. No. 4147/08

Jeffrey Capers,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 20, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 April 27, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Eugene Nardelli
Dianne T. Renwick, Justices.

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

Angelo Quinto and Candice Quinto,
Petitioners-Appellants,

M-690
Index No. 112266/09

For a Judgment, etc.,

-against-

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

-----X

An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 17, 2009 (mot. seq. no. 001),

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

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

It is ordered that the motion is granted on condition that, within 30 days from the date of entry of this order, petitioners pay any and all arrears in use and occupancy at the rate of \$827.54 per month retroactive to and including May 2009, that petitioners pay use and occupancy at said rate by the 5th of every month thereafter, and that petitioners perfect the appeal on or before July 12, 2010 for the September 2010 Term. Upon petitioners' failure to meet the aforesaid monetary provisions, respondent(s) may move on notice to vacate the stay of eviction. Upon appellants' failure to so perfect for said September 2010 Term an order vacating the stay may be entered ex parte, provided that respondent(s)-respondent(s) serve a copy of this order upon petitioners-appellants 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 April 27, 2010.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
Eugene Nardelli
James M. Catterson, Justices.

-----X
George Campbell Painting Corporation,
et al.,

Plaintiffs-Respondents,

-against-

M-1366
Index No. 116389/08

National Union Fire Insurance Company
of Pittsburgh, PA.,

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 May 21, 2009 (mot. seq. nos. 001, 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 September 2010 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Kenneth O. and Joel O.,

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

M-720
Docket Nos. NN25390-01/09
NN25390-1/09/10A

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

Yvonne O.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about January 19, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (603) 313-1951, as counsel for purposes of prosecuting the appeal; (2) directing the

April 27, 2010

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) directing appellant to perfect this appeal 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 April 27, 2010.

Present: Hon. Peter Tom, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Application of
the State of New York,

Petitioner-Respondent,

M-667

Index No. 341104/08

For a Judgment Pursuant to Article 10
of the Mental Hygiene Law,

-against-

C.B.,

Respondent-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about August 24, 2009,

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

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the Attorney General of the State of New York and files 10 reproduced 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.

Marvin Bernstein, Esq., Director of Mental Hygiene Legal Services, 41 Madison Avenue, 26th Floor, New York, NY 10010, Telephone No. (646) 386-5891, is assigned as counsel for purposes of prosecuting the appeal on respondent's behalf.

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 April 27, 2010.

Present: Hon. Peter Tom, Justice Presiding,
James M. McGuire,
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the Application of
Edna Fernandez and Cornelia Benton,
Petitioners,

For a Judgment Pursuant to Article 78 M-920
of the Civil Practice Law and Rules, Index No. 401768/08

-against-

New York State Division of Housing and
Community Renewal and New York State
Public Service Commission,
Respondents.

-----X

An order of this Court having been entered on December 22, 2009 (M-4968), dismissing petitioners' appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 30, 2009 (mot. seq. no. 002),

And petitioners having moved for poor person relief and a stay of the aforesaid order of this Court entered on December 22, 2009 (M-4968) dismissing their appeal,

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

It is ordered that petitioners' motion is deemed as one for reargument of the prior order of this Court entered on December 22, 2009 (M-4968) which dismissed the aforesaid appeal, and as such, 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 April 27, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

In the Matter of

Amilya Jayla S.,

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

M-733

Docket No. B10106/07

- - - - -
Abbott House, Inc. et al.,
Petitioners-Respondents,

Princess Debbie A.,
Respondent-Appellant.

- - - - -
Neal D. Futerfas, Esq.,
Law Guardian for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 23, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. (914) 834-3053, as counsel for purposes of prosecuting the appeal;

April 27, 2010

(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) directing appellant to perfect this appeal 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-941, 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 April 27, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Amilya Jayla S.,

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

M-941
Docket No. B10106/07

Abbott House, Inc. et al.,
Petitioners-Respondents,

Princess Debbie A.,
Respondent-Appellant.

Neal D. Futerfas, Esq.,
Law Guardian for the Child.

-----X
An appeal having been taken from the order of the Family Court, New York County, entered on or about October 23, 2009,

And law guardian for the child, Robert Swanson, Esq., having moved for an order to be relieved as law guardian and to substitute other counsel to respond to the aforesaid appeal,

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

Ordered that the motion is granted to the extent of relieving movant as law guardian and substituting, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 682-2171 as law guardian for purposes of respond to the appeal. (See M-733, 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 April 27, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Eugene Nardelli
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
In the Matter of

Erica D.,

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

M-694
Docket No. B16813/08

- - - - -
New Alternatives for Children, Inc.,
et al.,
Petitioners-Respondents,

Maria D.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about January 5, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lisa Blitman, Esq., 225 Broadway, Suite 1203, New York, NY 10007, Telephone No. (212) 724-2792, as

April 27, 2010

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) directing appellant to perfect this appeal 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 April 27, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Leland G. DeGrasse
Sheila Abdus-Salaam
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of

Skyler Shawnte M.,

M-742

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

M-977

Docket No. B6563/08

- - - - -
The Children's Aid Society, et al.,
Petitioners-Respondents,

Shadrika Latoya J.,
Respondent-Appellant.

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

-----X

Petitioner Agency having moved for dismissal of the appeal taken by respondent mother from the order of the Family Court, New York County, entered on or about April 15, 2009 (M-742),

And respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the aforesaid order of the Family Court, New York County, entered on or about April 15, 2009, and for assignment of counsel, a free copy of the transcript, and related relief (M-977),

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

Ordered that the motion to dismiss the appeal is denied (M-742). The motion for poor person relief (M-977) is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, 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) directing appellant to perfect this appeal 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 April 27, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the trust f/b/o
Erna Adler u/a/d December 30, 1942 of

Emil Strauss

Settlor

M-1200
Index No. 102112/08

For an accounting, turnover of real property and cash, removal of the trustee and other relief.

Stephen E. Adler,
Petitioner-Respondent,

-against-

Renata Adler, Trustee,
Respondent-Appellant.

-----X
Respondent-appellant Renata Adler, Trustee 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 5, 2009 (mot. seq. 003),

Now, upon reading and filing the papers with respect to the motion, including the correspondence dated March 18, 2010 from appellant's counsel, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 April 27, 2010.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman
Nelson S. Román, Justices.

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

Joseph S.,
Petitioner-Appellant,

-against-

M-1247
Docket Nos. V-25197/09
V-25198/09

Diane M.-S.,
Respondent-Respondent.

-----X

Petitioner-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 December 8, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) 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 within 60 days of receipt of the transcripts. Assigned counsel

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

is directed to immediately serve a copy of this order upon the Clerk of the Family Court. The motion, to the extent it seeks assignment of appellate counsel, 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 April 27, 2010.

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

-----X
Seward Park Housing Corporation,
Plaintiff-Respondent,

-against-

M-916
Index No. 600059/01

Greater New York Mutual Insurance
Company,
Defendant-Appellant.
-----X

An order of this Court having been entered on November 10, 2009 (M-4658) staying the retrial of this action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 27, 2009,

And a decision and order of this Court having been entered on February 11, 2010 (Appeal No. 2132) unanimously dismissing the aforesaid appeal,

And plaintiff-respondent having moved for an order affirmatively vacating the aforesaid stay of retrial of the action (M-4658),

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

It is ordered that the motion is granted and the stay of retrial granted by the order of this Court entered November 10, 2009 (M-4658) is hereby vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on April 27, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-1154
Ind. No. 1399/09

Gerald Jones,
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

-against-

M-31
Ind. No. 8/08

Luis A. Fernandez, also known as
Luis Fernandez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 3, 2009, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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, Tel. 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 April 27, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-1150
Ind. No. 3603N/09

Arcenio Guerrero,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 8, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
James M. Catterson
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-1161
Ind. No. 4710/06

Warren Thomas,

Defendant-Appellant.
-----X

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse
Sallie Manzanet-Daniels, Justices.

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

-against-

M-503
Ind. No. 3596/01

Hakim Ray,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Carter, J.) entered on or about December 4, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

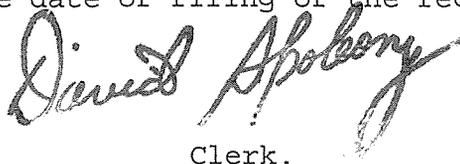
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court, and it is further

Ordered that 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 Carter as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, 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 April 27, 2010.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Helen E. Freedman, Justices.

-----X
In the Matter of

Naomi S.,

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

M-343
Docket No. N1637/07

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

Hadar S.,
Respondent-Appellant.

Benjamin Berlin, Esq.,
Law Guardian for the Child.

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

Uriel S.,
Petitioner-Respondent,

M-1077
Docket No. V02692/07

-against-

Hadar S. and the Administration for
Children's Services of the City of
New York,
Respondents-Appellants.

-----X

Respondent-appellant mother, Hadar S., having moved by separate motions for leave to prosecute, as a poor person, the appeals taken from orders of the Family Court, New York County, entered on or about November 9, 2009, November 30, 2009, February 2, 2010 and February 16, 2010, for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that, sua sponte, the aforesaid appeals are consolidated and the motions are granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Louise Belulovich, Esq., 411 East 57th Street, #14C, New York, NY 10022, Telephone No. (212) 421-6113, as counsel for purposes of prosecuting the consolidated appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) 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(s) from the Family Court to this Court. The Clerk of the Family Court shall transfer the record(s) upon receipt of this order and; (4) directing appellant to perfect the consolidated appeals 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 April 27, 2010.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Anna Bialobroda,
Plaintiff-Appellant,

-against-

Joel Mirer, Advance Construction
Concepts, Inc., et al.,
Defendants-Respondents.

M-818
M-929
Index No. 117701/05

-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 16, 2009 (mot. seq. no. 009),

And defendant-respondent Advance Construction Concepts, Inc., having moved for an order dismissing plaintiff's appeal (M-818),

And defendant-respondent Joel Mirer having moved for the same relief (M-929),

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

Ordered that the motions are granted and the appeal is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Ta Chi Chen,
Plaintiff-Respondent,

-against-

M-1017
Index No. 108012/09

Jorge E. Ibarra,
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 February 5, 2010 (mot. seq. no. 004), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to 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 attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
The People of the State of New York
ex rel. Jean Azor,
Petitioner-Appellant,

-against-

M-1025

Index No. 340413/09

Warden, Riker's Island Correctional Facility, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, entered on or about October 29, 2009, which denied petitioner's pro se motion for reargument of his habeas corpus petition, for leave to have said appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that, sua sponte, the appeal is dismissed as no appeal lies from an order denying reargument, and the motion is denied, as academic.

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 April 27, 2010.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Jose Jimenez,

Plaintiff-Appellant,

-against-

M-948
Index No. 116605/06

JEG Limo Inc., et al.,

Defendants-Respondents.
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 23, 2009 (mot. seq. no. 001),

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

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

ENTER:


Clerk.

PM ORDERS

ENTERED

APRIL 22, 2010

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

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

-----X
CMMF, LLC,

Plaintiff-Appellant-Respondent,

-against-

M-1844

Index No. 601924/09

J.P. Morgan Investment Management, Inc.,
et al.,

Defendants-Respondents-Appellants.

- - - - -
Andrew M. Cuomo, Attorney General of
the State of New York,

Amicus Curiae.

-----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 December 11, 2009,

And Andrew M. Cuomo, Attorney general of the State of New York, having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal and cross appeal, and to participate in argument,

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

It is ordered that the motion is granted to the extent of deeming the amicus curiae briefs submitted with the moving papers herein as filed, and the motion is otherwise denied. *Sua sponte*, defendants are permitted to file a supplemental reply brief in response to the Attorney General's brief, limited to 15 pages in length on or before May 3, 2010.

ENTER:



Clerk.

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

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

-----X
Matter of the Application of
Jesse Chandler,
Petitioner,

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

-against-

M-1562
Index No. 114076/09

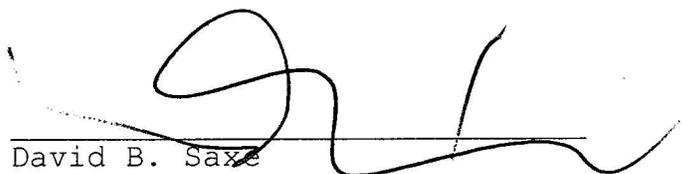
New York City Housing Authority -
Mitchel Houses,
Respondent.

-----X

Respondent having moved for leave to appeal to this Court
from the order of the Supreme Court, New York County, entered on
or about March 10, 2010, and related relief,

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

It is ordered that the motion is denied.



David B. Saxe
Associate Justice

Dated: April 19, 2010
New York, New York

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

-----X
The People of the State of New York, : Order Granting
 : Stay of Execution
 Respondent, : Of Judgment of
 : Resentence and
 -against- : Release on
 : Recognizance
 Jessie Velez, : After Appeal Taken
 :
 Defendant-Appellant. : M-1348
 : Bronx Ind. No. 6720/98
-----X

An appeal having been taken to this Court by the above-named defendant-appellant from the judgment of the Supreme Court, Bronx County, rendered on June 18, 2009, resentencing him to a 9-year determinate prison term followed by 5 years of post-release supervision (appellant having previously been sentenced following his second-degree burglary conviction to a 9-year determinate prison term with no post-release supervision), and appellant having filed an application for poor person relief and the assignment of counsel on March 4, 2010, and appellant having moved, pursuant to CPLR §§ 460.50 and 530.50, to (1) stay and/or suspend execution of the judgment of resentence and (2) be released on his own recognizance pending the hearing and determination of his appeal,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers submitted in support of the motion, and the affirmation of ADA Justin J. Braun, and Memorandum of Law, both dated March 12, 2010, in opposition, and

the affirmation of Mark W. Zeno, and Memorandum of Law, both dated March 14, 2010, in reply, it is

ORDERED that said motion be and the same hereby is granted and the judgment of resentence is stayed and suspended pending hearing and determination of the appeal, on the condition that said appeal be perfected within 120 days from the date hereof, and it is further,

ORDERED that appellant is released on his own recognizance pending the hearing and determination of the appeal, subject to the same condition.

In the event of the failure to comply with the foregoing condition within the time specified (or such extensions thereof as may be granted), appellant shall surrender himself to the Supreme Court, Bronx County, in order that execution of said judgment be resumed.

Dated: New York, New York
April 20, 2010



Rolando T. Acosta
Associate Justice

Entered:

APR 22 2010

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

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

-----X
David Quintavalle,
Plaintiff,

-against-

M-1714
Index No. 120136/03

Michael Beltrami and
Cornelius B. Spiering,
Defendants.

-----X

Defendant having moved pursuant to CPLR 5704(a), for relief denied by a Justice of the Supreme Court, New York County, on or about March 30, 2010,

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

Ordered that the motion is denied.

Enter:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman
Nelson S. Román, Justices.

-----X

The People of the State of New York
ex rel. James Kousouros, Esq., on
behalf of Manuel Ramirez,
Petitioner-Appellant,

-against-

M-1295
Index No. 06004N/09

Warden, Manhattan Island Detention
Center, 125 White Street, New York,
New York,
Respondent-Respondent.

-----X

Petitioner having taken an appeal from an order of the Supreme Court, New York County, entered on or about March 1, 2010, which denied petitioner's writ of habeas corpus petition,

And petitioner having moved to modify certain bail conditions 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 deemed one for bail modification pending hearing and determination of the aforesaid appeal and such is denied without prejudice to raising said argument directly on appeal.

ENTER:



Clerk.

PM ORDERS

ENTERED

APRIL 27, 2010

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

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

-----X
Gray & Associates, LLC, in its
capacity as Trustee on behalf of
the SVCMC Litigation Trust,
Plaintiff-Respondent,

-against-

M-1861
Index No. 150446/07

Speltz & Weis LLC also known as
Wellspring Management Services LLC,
et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of the order of the Supreme Court, New York County, entered on or about January 7, 2010 (mot. seq. no. 009), pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 27, 2010.

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

-----X
Assured Guaranty (UK) Ltd., in its
own right and in right of Orkney Re II
PLC,
Plaintiff-Appellant,

-against-

M-1843
Index No. 603755/08

J.P. Morgan Investment Management, Inc.,
Defendant-Respondent.

- - - - -
Andrew M. Cuomo, Attorney General of
the State of New York,
Amicus Curiae.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 29, 2010, said appeal having been perfected for the June 2010 Term,

And Andrew M. Cuomo, Attorney General of the State of New York, having moved for leave to file a brief amicus curiae in connection with the aforesaid appeal, and to participate in argument,

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 Attorney General to file an amicus curiae brief and deeming the amicus curiae brief submitted with the moving papers herein as filed. 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 April 27, 2010.

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

-----X
Sasha Cutter Nye,
Plaintiff-Respondent,

-against-

M-1287
Index No. 304191/05

Timothy Nye,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of arrears judgment pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 9, 2009 (mot. seq. no. 001), 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 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 April 27, 2010.

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

-----X
SLG 624 Lessee LLC,
Petitioner,

-against-

The Neiman Marcus Group, Inc.,
Respondent.

M-1800
Index No. 104405/10

-----X

Petitioner having moved pursuant to CPLR 5704(a), for relief denied by a Justice of the Supreme Court, New York County, on or about April 5, 2010,

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

Ordered that the motion is denied without prejudice to further proceedings in the 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 April 27, 2010.

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

-----X
Errika Arrington,
Plaintiff-Respondent,

-against-

M-1490

M-1731

Bronx Jean Company, Inc., also known
as Jeans Plus, Inc.,
Defendant-Appellant,

Index No. 305343/08

John Doe whose name is unknown and
fictitious,
Defendant.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about September 1, 2009 and on or about December 23, 2009, respectively,

And defendant-appellant having moved to stay damages inquest pending hearing and determination of the aforesaid appeal (M-1490),

And plaintiff-respondent having cross-moved to dismiss defendant's appeal (M-1731),

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

Ordered that defendant's motion to stay damages inquest is granted (M-1490). Plaintiff's cross motion to dismiss the appeal is denied (M-1731).

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 April 27, 2010.

PRESENT: Hon. Eugene Nardelli, Justice Presiding,
James M. McGuire
Rolando T. Acosta
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Rachel Breitman,
Plaintiff-Respondent,

-against-

M-1577
Index No. 105789/07

Jay A. Dennett, M.D.,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 21, 2009 (mot. seq. no. 003),

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before July 12, 2010 for the September 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:



Clerk.