

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 1, 2010.

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

-----X  
Michael J. Frenza,  
Plaintiff-Respondent,

-against-

M-2152X  
Index No. 105973/06

Montgomery Trading Co., et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 23, 2009 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 14, 2010, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 1, 2010.

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

-----X  
Tina O'Dea, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-2153X  
Index No. 110358/07

Terence Cardinal Cooke Health  
Care Center,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 18, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 14, 2010, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 1, 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-2421  
Ind. No. 5951/08

Jeffrey Johnston, also known as  
Jeffrey M. Johnston,

Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 23, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated April 12, 2010, 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 June 1, 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-2436  
Ind. No. 988/06

Jose Rodriguez,

Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about February 13, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated April 30, 2010, 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 June 1, 2010.

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

-----X  
Steven Ramirez and Joanne Ramirez,  
Plaintiffs-Respondents,

-against-

M-2427  
Index No. 117739/06

Tishman Construction Corporation,  
et al.,  
Defendants,

J.E. Levine Builder, Inc., sued herein  
as Levine Builders B.C.R.E. and 90  
West LLC,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 18, 2009 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, filed May 3, 2010, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2010 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 June 1, 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-2020  
Ind. Nos. 843/09  
1267/09

Jayquan Lourie,  
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 9, 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, 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 June 1, 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-2021  
Ind. No. 1954/07

Radcliffe McNab,  
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 March 11, 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, 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.

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 June 1, 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-2022  
Ind. No. 3911/09

Kareem Miller,  
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 25, 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, 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 June 1, 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-2023  
Ind. No. 2570/05

Efrain Ortiz,  
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 August 2, 2007, 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, 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.

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 June 1, 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-2024  
Ind. No. 5734/00

John Reese,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about December 2, 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 upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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 June 1, 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-2025  
Ind. No. 717/09

Graham Reid,  
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 March 4, 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, 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 June 1, 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-2027  
Case No. 80906C/09

Naquan Stokes,  
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 February 17, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, 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 June 1, 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-2028  
Ind. No. 2688/08

Juan Toledo,  
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 March 18, 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, 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 June 1, 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-2031

Case Nos. 58892C/05  
21744C/05

Kelvin Vazquez, also known as  
Kelvin Vasquez,  
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 February 24, 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, 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 June 1, 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-2032  
Ind. No. 2164N/09

Armstrong Wilkerson,  
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 24, 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, 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 June 1, 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,

-against-

M-1679  
Ind. No. 2134/07

Parish Clark,

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 February 27, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1680  
Ind. No. 4590/06

Parish Clark,

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 February 27, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1702  
SCI No. 301/09

Parish Clark,

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 February 27, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1705  
SCI No. 3395/06

Felicia Hart,

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 February 25, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1718  
Ind. No. 2594/06

Tarell Robinson,

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 March 3, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1719  
Ind. No. 1632/08

Parish Clark,

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 February 27, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1918  
SCI No. 200/09

Derrick Graham,

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 April 16, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1920  
Ind. No. 3787/08

Luis Delrosario,

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 April 23, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1923  
SCI No. 624/09

Dwayne Gillet,

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 April 8, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1926  
SCI No. 625/09

Jacob Mitchell,

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 April 6, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1948  
Docket No. 22211C/09

Mary Yes,

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 April 9, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1956  
Docket No. 45962C/08

Delores Scott,

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 April 10, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1958  
Docket No. 20361C/09

Kelly Terell,

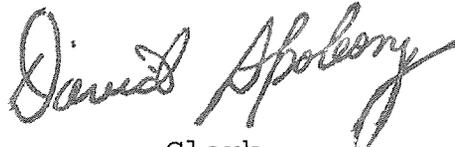
Defendant.  
-----X

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 April 2, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1971  
Docket No. 5335C/09

Norma Nieves,

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 March 17, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1977  
Docket No. 3852C/09

Renato Baez,

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 March 11, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-1980  
Docket No. 1323C/08

Domingo Delgado,

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 March 10, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-2079  
Docket No. 5538C/09

Cesar Nunez,

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 April 29, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 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,

-against-

M-2094  
SCI. No. 253/06

Thomas Patterson,

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 April 30, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Justine J. Olderman, Esq., The Bronx Defenders, filed April 20, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 June 1, 2010.

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

-----X  
Larry Eisenberg,  
Plaintiff-Appellant,

L.E. Trading, LLC and L.E. Contractors,  
LLC, doing business as Fine Gem  
Identification Laboratories,  
Plaintiffs-Appellants,

-against-

M-1676  
Index No. 601351/08

Gerald Cecil Starkman, Lucas Van  
Zenten GMBH & Co., Inc.,  
Defendants-Respondents.

-----X

Plaintiff-appellant pro se, Larry Eisenberg, 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 December 2, 2008 (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 denied and the appeal taken by plaintiffs 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 June 1, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X  
Priscilla Rodriguez,  
Plaintiff-Appellant,

-against-

M-584

M-940

Angela Chapman-Perry and Devon E.  
Perry,  
Defendants-Appellants,

Index No. 14159/05

-and-

Gustavo Deleon and Emanuel Salazar,  
Defendants-Respondents.

-----X

Appeals having been having been taken by the respective appellants from the order of the Supreme Court, Bronx County, entered on or about November 24, 2009,

And respective defendants-respondents having moved, by separate motions, to dismiss the aforesaid appeals,

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

Ordered that the motions to dismiss the appeals are 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 June 1, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of

Anais B.,

A Person Alleged to Be a Juvenile  
Delinquent,

M-1928  
Docket No. D16623/09

Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute an appeal from certain order(s) of the Family Court, New York County, as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is denied, with leave to renew upon the submission of an attorney certification which complies with Family Court Act 1118 and the submission of copies of the order(s) appealed.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 1, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of

Keena H.,  
A Person Alleged to Be a Juvenile Delinquent,  
Respondent-Appellant.

M-1995  
Docket No. D25394/09

-----X

Respondent-appellant having moved for leave to prosecute an appeal from certain order(s) of the Family Court, New York County, as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is denied, with leave to renew upon the submission of an attorney certification which complies with Family Court Act 1118 and the submission of copies of the order(s) appealed.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 1, 2010.

Present: Hon. Peter Tom, Justice Presiding,  
James M. McGuire  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
East Midtown Plaza Housing Company,  
Inc.,  
Petitioner-Appellant,

-against-

Andrew M. Cuomo, as Attorney General of the State of New York, et al., Respondents-Respondents, M-1543  
Index No. 401278/09

East Midtown Plaza Tenant-Cooperator Association, et al.,  
Intervenors-Appellants,

East Midtown Plaza Mitchell-Lama Organization,  
Intervenor-Respondent.

-----X

Appeals having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 17, 2010,

And petitioner-appellant, supported by intervenors-appellants, having moved for a stay of the aforesaid order and judgment (one paper) in effect tolling the running of a 15-month period by which petitioner's Plan of Reconstitution with respect to the subject residential cooperative must become effective,

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 a stay is granted to the extent of declaring the tolling of a 15-month period effective nunc pro tunc to March 23, 2010, the date on which an interim stay for said relief was granted by a Justice of this Court, and

on condition that appellants perfect their appeals, which are sua sponte consolidated, 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 respondent(s) serve a copy of this order upon 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 June 1, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Rolando T. Acosta  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Brianna L.,

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

M-1420  
Docket No. B463/09

-----  
Catholic Guardian Society and Home Bureau, et al.,  
Petitioners-Respondents,

Brandon L.,  
Respondent-Appellant.

-----  
Lisa May, Esq.,  
Lawyers for Children, Inc.,  
Law Guardian for the Child.

-----X  
An order of this Court having been entered on December 29, 2009 (M-4960), inter alia, granting respondent-appellant's motion for leave to prosecute, as a poor person, the appeal from the order of Family Court, New York County, entered on or about October 2, 2009, and assigning counsel therefor,

And respondent-appellant having moved for an order amending the order of assignment to include the appeal from the order of Family Court, New York County, entered on or about March 1, 2010,

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

It is ordered that said motion is granted to the extent of amending the order entered on December 29, 2009

(M-4960) to include the appeal from the order entered on or about March 1, 2010, and extending the poor person relief previously granted to cover same.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 1, 2010.

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

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

Respondent,

-against-

Mattheas D. Russell,

M-1737  
Ind. Nos. 3778/08  
3517/09

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, New York County, rendered on or about January 6, 2010, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 1, 2010.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick  
Sallie Manzanet-Daniels, Justices.

-----X  
14 Bruckner LLC,  
Plaintiff-Appellant,

-against-

M-2064  
Index No. 302591/09

14 Bruckner Blvd. Realty Corp.,  
Defendant-Respondent.  
-----X

An appeal having been taken to this Court by plaintiff from the order of the Supreme Court, Bronx County, entered on or about January 13, 2010, which, dismissed the complaint and directed vacatur of *Yellowstone* relief,

And plaintiff having moved for a further extension of the previously afforded *Yellowstone* relief,

And an order of a Justice of this Court dated April 14, 2010 having conditionally tolled the expiration of *Yellowstone* relief previously afforded movant pending hearing and determination 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 to the extent of continuing the *Yellowstone* relief afforded appellant on condition that appellant, within 30 days of the date of entry hereof, posts an undertaking, in addition to the amount being held in escrow, in the amount of \$30,000.00 and perfect its appeal on or before August 9, 2010 for the October 2010 Term. Upon appellant's failure to post the undertaking, respondent may move, on three days notice, to vacate the stay. Should appellant fail to so perfect, an order dismissing the appeal may be enter ex parte, provided respondent serve a copy of this order upon the 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 June 1, 2010.

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

-----X  
Wanda Hernandez,  
Petitioner,

For a Judgment, etc.,

M-2353  
Index No. 402467/09

-against-

HPD Section 8 Appeals Unit,  
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 22, 2010 (mot. seq. no. 001),

And petitioner having moved for leave to prosecute the aforesaid proceeding as a poor person, for the assignment of counsel, and to stay execution of a warrant of eviction pending hearing and determination of the aforesaid proceeding,

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

It is ordered that the motion is granted to the extent of staying execution of the warrant of eviction and permitting the proceeding to be heard upon the original record and upon a reproduced petitioner's brief on condition that the proceeding is perfected on or before September 7, 2010 for the November 2010 Term, and upon condition that petitioner serves one copy of such brief upon the attorney for respondent and files 10 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. Upon failure to so perfect, an order vacating the stay of eviction may be entered ex parte, provided that respondent serves a copy of this order upon petitioner within 10 days after the date of entry hereof. So much of the motion which seeks the assignment of 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 June 1, 2010.

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

-----X  
In the Matter of

Kharyn Lashea Miracle O., also known as Kharyn O.,

M-2196

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

Docket No. B4076/08

- - - - -  
Lutheran Social Services of New York, et al.,  
Petitioners-Respondents,

Karen Michelle O., also known as Karen O.,  
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, New York County, entered on or about March 3, 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 H. Blitman, Esq., 225 Broadway, Suite 1203, New York, NY 10007, Telephone No. (212) 724-2792, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) 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-2327, decided simultaneously herewith.)

ENTER:

  
Clerk.

---

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

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

BEFORE: Hon. Luis A. Gonzalez,  
Presiding Justice

-----X  
In the Matter of

Kharyn Lashea Miracle O., also  
known as Kharyn O.,

M-2327

Docket No. B4076/08

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

- - - - -  
Lutheran Social Services of  
New York, et al.,  
Petitioners-Respondents,

Karen Michelle O., also known as  
Karen O.,  
Respondent-Appellant.

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

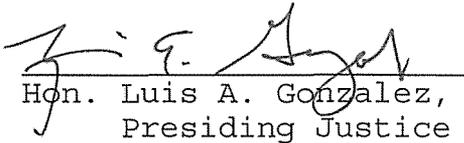
-----X

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

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

It is ordered that the motion is denied. (See M-2196,  
decided simultaneously herewith.)

Dated: New York, New York

  
Hon. Luis A. Gonzalez,  
Presiding Justice

**ENTERED**

JUN 01 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 June 1, 2010.

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

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

-against-

M-1709  
Ind. No. 152/10

Randy Vasquez,  
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, New York County, rendered on or about February 11, 2010, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for 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 notice of appeal 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.

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 June 1, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

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

Denise Santangelo,

Petitioner-Appellant,

M-1905  
Index No. 114924/08

For a Judgment, etc.,

-against-

Raymond Kelly, etc., et al.,

Respondents-Respondents.  
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 17, 2009,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 1, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Rosalyn H. Richter  
Nelson S. Román, Justices.

-----X  
The Estate of Edis Estevez, by  
Rafael Estevez, as Administrator  
of the Goods, Chattels, and Credits  
of the deceased, Edis Estevez,  
Plaintiff-Appellant,

M-2125  
Index No. 8112/03

-against-

The City of New York, et al.,  
Defendants-Respondents.  
-----X

Appeals having been taken from the orders of the Supreme Court, Bronx County, entered on or about July 15, 2009 and on or about March 15, 2010, respectively,

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

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

It is ordered that the motion is granted to the extent of permitting plaintiff-appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals. The time in which to perfect the consolidated appeals is enlarged to the October 2010 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 1, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
James M. McGuire  
Karla Moskowitz, Justices.

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

-against-

M-1302  
Ind. No. 3080/04

Ralph Hall,  
Defendant-Appellant.

-----X

An order of this Court having been entered on November 16, 2006 (M-5477), granting poor person relief and assigning Steven Banks, Esq., The Legal Aid Society, as counsel for defendant for purposes of prosecuting the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 7, 2005,

And an order of this Court having been entered on April 3, 2008 (M-147) denying defendant-appellant's motion in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief, as premature, said appeal having not yet been perfected,

And defendant-appellant having renewed his motion for the aforesaid relief,

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

It is ordered that said application is denied as premature, the appeal having been calendared for the September 2010 Term of 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 June 1, 2010.

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

-----X  
Admiral Insurance Company,  
Plaintiff-Respondent-Appellant,

-against-

M-1889  
Index No. 108052/08

Joy Contractors, Inc., et al.,  
Defendants-Respondents,

New York Crane & Equipment Company,  
Defendant-Appellant-Respondent,

Reliance Construction Ltd., doing  
business as RCG Group, Ltd.,  
Defendant-Appellant-Respondent.  
-----X

Appeals and a cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 25, 2009,

And defendant-appellant-respondent, New York Crane & Equipment Company, having moved for an enlargement of time in which to perfect its appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals and cross appeal to the October 2010 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 1, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X

Marla Beth Nitke,  
Plaintiff-Appellant,

-against-

M-1871  
Index No. 350677/01

Darryl Nitke,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about March 31, 2010, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before August 9, 2010 for the October 2010 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 1, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Cynthia Freedman,  
Plaintiff-Appellant,

-against-

M-2410  
Index No. 350164/08

Samuel Freedman,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for a stay of proceedings 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 April 12, 2010 (mot. seq. no. 005),

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

It is ordered that the motion is granted on condition plaintiff-appellant perfects her appeal on or before August 9, 2010 for the October 2010 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 1, 2010.

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

-----X  
Estate of Gertrude Steingart,  
Diane Steingart as Personal  
Representative,  
Plaintiff-Respondent,

-against-

M-1845  
Index No. 120875/03

Barbara Hoffman,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for, inter alia, a stay of distribution of certain amounts held in escrow 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 March 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 continuing the relief afforded by the order of a Justice of this Court dated April 8, 2010. Appellant is directed to perfect the appeal on or before August 9, 2010 for the October 2010 Term.

ENTER:

  
Clerk.

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT

JUN 1 2010

David Friedman, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----x

In the Matter of Allen H. Isaac,  
(admitted as Allen Harold Isaac),  
an attorney and counselor-at-law:

Departmental Disciplinary Committee M-2029  
for the First Judicial Department, M-2671  
Petitioner,

Allen H. Isaac,  
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental  
Disciplinary Committee for the First Judicial Department.  
Respondent, Allen H. Isaac, was admitted to the Bar of the  
State of New York at a Term of the Appellate Division of  
the Supreme Court for the First Judicial Department on  
February 19, 1958.

Alan W. Friedberg, Chief Counsel, Departmental  
Disciplinary Committee, New York  
(Naomi F. Goldstein, of counsel), for petitioner.

Godosky & Gentile, P.C. (Richard Godosky, of counsel),  
Michael Ross, for petitioner.

M-2029, M-2671 (June 9, 2009)

IN THE MATTER OF ALLEN H. ISAAC, AN ATTORNEY

Per Curiam

Respondent Allen H. Isaac was admitted to the practice of law in the State of New York by the First Judicial Department on February 19, 1958, under the name Allen Harold Isaac. At all times relevant to this proceeding, he maintained an office for the practice of law within the First Judicial Department.

An investigation commenced into this matter upon a complaint from a former client, "L.E.", filed with the Departmental Disciplinary Committee on November 25, 2005. Some of the alleged misconduct was secretly recorded by the client during telephone conversations and a meeting in respondent's office. The client provided the Committee with recordings of two telephone conversations and a meeting that took place in respondent's office in October 2005 which were admitted into evidence at the disciplinary hearing.

The Committee charged respondent with acts of professional misconduct including making unwelcome sexual advances to L.E. in violation of DR 1-102(A)(7), asking L.E. for oral sex incident to his representation as trial counsel in violation of DR 5-111(B), boasting to L.E. that he is able to influence improperly Appellate Division judges in violation of DR 9-101(C), calling one of the First Department judges a "prick" in violation of DR 1-102 (A)(7) and making suggestive comments to his secretary and

inappropriately touching her in violation of DR 1-102(A)(7).

Respondent submitted an answer to the charges in which he made some admissions but otherwise denied the charges. At the lengthy hearing before the Referee, L.E.'s direct examination was completed but her cross-examination was interrupted at her request and an extended adjournment granted, based upon proffered health reasons. When L.E. failed to return for the balance of her cross-examination, at the request of the Committee this Court issued a subpoena which was served upon L.E. but she did not comply and did not appear.<sup>1</sup> Thereafter, the Referee granted respondent's motion to strike L.E.'s testimony from the record but ruled that the recording of the October 2005 meeting, the two telephone conversation recordings, and the transcripts of those recordings would not be stricken because they had been identified by respondent.

Based upon the preponderance of the evidence and admissions

---

<sup>1</sup>This Court notes that following the October 2005 meeting with respondent, L.E. filed a complaint with the N.Y. District Attorney's Office but it declined to prosecute. In July 2006, she commenced a lawsuit against respondent, his former law firm and law partner, and respondent's son and his law firm alleging, inter alia, that respondent sexually and verbally assaulted her. That lawsuit was dismissed against respondent and the order of dismissal was affirmed by this Court (68 AD3d 483 [2009]). In addition, she filed a federal lawsuit against, among others, respondent, the Committee Referee, the Committee, the Manhattan District Attorney's Office, the City of New York, and the Office of Court Administration, alleging conspiracy and civil rights violations. That lawsuit was dismissed by the Hon. Shira A. Scheindlin and affirmed by the Second Circuit (*Esposito v New York*, 2009 U.S. App. LEXIS 26666 [2d Cir. 2009])

made by respondent, the Referee sustained the charges relating to unwelcome sexual advances and sexual misconduct involving L.E., as well as the charges involving inappropriate comments about this Court, and dismissed the other charges as unsustainable. The Referee recommended a two-year suspension for the violations concerning respondent's inappropriate sexual behavior and public censure for the comments made about the judiciary. The Hearing Panel affirmed the Referee's decision relating to respondent's inappropriate sexual conduct but reversed the Referee's findings of liability regarding the offensive comments about the judiciary, concluding that they did not constitute violations of the Disciplinary Rules as they were made in private. The Panel recommended a five-year suspension.

The Committee petitions to disaffirm the Hearing Panel's conclusions of law and, instead, asks this Court to sustain all charges as found by the Referee and to disbar respondent.<sup>2</sup> Respondent cross-moves to modify both the reports of the Referee and Hearing Panel so that only one charge relating to sexual misconduct and one charge relating to his boasting that he could influence the judiciary be sustained, and for a public censure. He acknowledges that his conduct was inappropriate and regrettable, but explains that at the time, he believed that the

---

<sup>2</sup>The Committee does not seek to disaffirm the dismissal of the three unsustainable charges as found by both the Referee and Hearing Panel.

touching was consensual and not uninvited given his previous flirtatious and personal discussions with L.E., and that they had a special relationship separate from the attorney-client relationship. Respondent contends that L.E. recorded additional conversations and "cherry-picked" only a small fraction of the many conversations that they shared in order to falsely portray respondent as someone who sexually assaulted and intimidated her. Respondent also apologizes for his disrespectful comments about this Court.

In mitigation, the approximately 76-year-old respondent lists his professional and public activities, the awards he has received, his character witnesses attesting to his honesty and his unblemished 50-year legal career. He urges that his conduct was isolated and aberrational and not part of a pattern, that he does not pose a threat to the public and that there is no likelihood he will act improperly in the future. He maintains that a public censure is the fair and appropriate sanction.

Upon a review of the record, we confirm the findings of fact of both the Referee and the Hearing Panel which relate to respondent's sexual misconduct and the charges pertaining to comments concerning this Court; disaffirm the Referee's conclusions of law and confirm the Panel's conclusions of law with respect to those latter charges, and suspend respondent from the practice of law for six months.

Initially, we agree with the Panel that respondent's

comments about this Court and his ability to influence the Court, made in a private conversation, are not subject to professional discipline as they were uttered "outside the precincts of a court" (*Matter of Erdmann*, 33 NY2d 559 [1973]; compare *Matter of Hayes*, 7 AD3d 108 [2004] [public censure for accusing court and clerk of prejudice and racism during court colloquy, and making other disrespectful comments]); *Matter of Dinhofer*, 257 AD2d 326 [1999] [three-month suspension for calling a judge "corrupt" during a telephone status conference]; *Matter of Golub*, 190 AD2d 110 [1993] [public censure for making undignified and degrading comments about a New York County Supreme Court Justice to the press]).

Regarding respondent's sexual misconduct, we do not believe that disbarment is warranted here. Disbarment has been imposed for conduct far more egregious than the very troubling conduct at issue here (see *Matter of Singer* (290 AD2d 197 [2002] [aggravated sexual battery of a child and similar conduct with other children]; *Matter of Romano* (246 AD2d 152 [1998] [attorney directed three female clients to disrobe and touched them in intimate places])). However, we reject respondent's position that a public censure is appropriate. His testimony at the hearing, and his arguments here, reveal a disturbing lack of comprehension as to the depth and extent of his misconduct.

In disciplinary proceedings involving sexual misconduct,

two-year suspensions have been imposed where the attorneys had sexual relations with their clients (see *Matter of Weinstock*, 241 AD2d 1 [1998]; *Matter of Lieber*, 205 AD2d 47 [1994]; *Matter of Rudnick*, 177 AD2d 121 [1992]; and *Matter of Bowen*, 150 AD2d 905 [1989], *lv denied* 74 NY2d 610 [1989]). Shorter periods of suspension are appropriate where an attorney has made sexually oriented or offensive comments (see *Matter of Kahn* (16 AD3d 7 [2005] [six-month suspension]; *Matter of Feinman* (225 AD2d 200 [1996] [six-month suspension]; *Matter of Gilbert* (194 AD2d 262 [1993] [one-year suspension])).

Considering respondent's age and his long and unblemished record practicing law (see e.g. *Matter of Lubell*, 285 AD2d 267 [2001]; *Matter of Einhorn*, 88 AD2d 95 [1982] where the attorney's age was considered in determining the appropriate sanction), respondent is suspended for a six-month period.

Accordingly, the Hearing Panel's findings of fact and conclusions of law should be confirmed, the sanction disaffirmed, and respondent suspended from the practice of law for a period of six months. Respondent's cross motion should be denied, except insofar as it seeks to confirm the Referee's report and Hearing Panel's determination sustaining charge 5.

All concur.

Order filed.

PM ORDERS

ENTERED

MAY 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 May 27, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----x

Gail P. Cleary,

Plaintiff-Respondent-Appellant,

-against-

M-2111

Index No. 101067/07

Bloomington's Inc. and Federated  
Department Stores, Inc.,

Defendants-Appellants-Respondents.

-----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 28, 2009 (mot. seq. no. 002),

And defendants-appellants-respondents having moved for a stay of trial pending hearing and determination of the direct appeal, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Lester Schwab Katz & Dwyer, LLP (Harry Steinberg, of counsel), counsel for defendants dated April 26, 2010, and due deliberation having been had thereon,

It is ordered that the motion is 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 May 27, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rolando T. Acosta  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
Performance Comercial Importadora E  
Exportadora Ltda,  
Plaintiff-Respondent,

-against-

**M-2393**

Index No. 603490/01

Sewa International Fashions PVT.,  
Ltd., et al.,  
Defendants,

Star of India Fashions, Inc.,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an order staying the 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 April 13, 2010,

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

It is ordered that the motion is granted on condition the appeal is perfected on or before August 9, 2010 for the October 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon defendant-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 May 27, 2010.

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

-----X  
Kenzie Godfrey,  
Plaintiff-Respondent-Appellant,

-against-

G.E. Capital Auto Lease, Inc.,  
et al.,  
Defendants-Respondents,

M-1109A  
M-1297A  
Index No. 7963/02

Balhar Singh, Resihma Singh and  
Boating Adjei,  
Defendants-Appellants-Respondents.

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

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 29, 2009,

And defendants-appellants-respondents having moved for an enlargement of time in which to perfect the direct appeal (M-1109A),

And defendant-respondent G.E. Capital Auto Lease, Inc. having cross-moved to dismiss defendants' direct appeal (M-1297A),

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 to enlarge time (M-1109A) is granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the September 2010 Term. The cross motion to dismiss defendants' direct appeal (M-1297A) is granted unless the appeal is perfected for said September 2010 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided defendant-respondent serves a copy of this order upon the defendants-appellants-respondents within 10 days after the date of entry hereof. Should defendants fail to so perfect, plaintiff is directed to perfect the cross appeal as a direct appellant for the next available Term of Court. The order of this Court entered on May 6, 2010 (M-1109/M-1297) is hereby recalled and vacated.

ENTER:



Clerk.

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

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

-----X  
Linda Boyd,  
Plaintiff-Respondent,

-against-

M-2619  
Index No. 14783/99

Manhattan and Bronx Surface  
Transit Operating Authority  
and New York City Transit  
Authority,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of re-trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about November 30, 2009,

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

It is ordered that the motion is denied.

ENTER:



Clerk.

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

Present: Hon. David Friedman, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X

Dany Moyal,  
Plaintiff-Respondent-Appellant,

**M-2272**  
**M-2509**

-against-

Index No. 350058/07

Marc Moyal,  
Defendant-Appellant-Respondent.

-----X

Appeals and cross appeals having been taken from the order of the Supreme Court, New York County, entered on or about August 25, 2009 (mot. seq. no. 004) and the judgment of said Court entered on or about January 6, 2010, respectively, and a separate appeal having been taken by defendant from the order of said Court entered on or about October 13, 2009,

And defendant-appellant-respondent having moved for an order striking certain portions of plaintiff-respondent-appellants' brief, rejecting a certain ex parte letter, dated April 10, 2010, submitted to the Clerk of the Court, and for other relief (M-2272),

And plaintiff-respondent-appellant having cross-moved to dismiss defendant-appellant-respondent's appeal(s) (M-2509),

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 (M-2272) is denied without prejudice to addressing the issue of the aforesaid ex parte letter at argument, and the motion is otherwise denied. The cross motion to dismiss the appeal (M-2509) is denied.

ENTER:



Clerk.

PM ORDERS

ENTERED

JUNE 1, 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 June 1, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X

Sona Shah,  
Plaintiff-Appellant,

-against-

Wilco Systems Inc.,  
Defendant-Respondent.

-----X

**SEALED**

M-2179

Index No. 113231/02

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 14, 2009 (mot. seq. no. 024),

And Michael H. Zhu, Esq., having moved to withdraw as counsel for plaintiff-appellant, with leave to plaintiff-appellant to submit an amended brief; to seal the instant motion; to adjourn the aforesaid appeal to the September 2010 Term 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 withdraw as counsel is granted on condition counsel for plaintiff serves a copy of this order upon all parties within 10 days of the date of entry hereof and that counsel return to plaintiff the retainer fee previously accepted by him, and it is further

Ordered that appellant's brief previously submitted is deemed withdrawn. Appellant's time in which to perfect the aforesaid appeal is enlarged to on or before August 9, 2010 for the October 2010 Term without prejudice to defendant seeking costs resulting from the withdrawal of plaintiff's brief. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that respondent serves a copy of this order upon appellant at her last known address, after diligent inquiry as to same, 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 June 1, 2010.

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

-----X  
Rose Group Park Avenue LLC and  
Guastavino's, Inc.,  
Petitioners-Plaintiffs-Respondents,

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

M-2231  
Index No. 117190/09

-against-

The New York State Liquor Authority,  
Respondent-Defendant-Appellant,

-and-

The Preservation Coalition and George  
Davis,  
Intervenors-Respondents-Defendants.

-----X

An appeal having been taken to this Court by the New York State Liquor Authority, from the judgment of the Supreme Court, New York County, entered on or about April 13, 2010 (mot. seq. no. 001),

And petitioner-plaintiff-respondent Rose Group Park Avenue LLC having moved to vacate the statutory stay afforded the New York State Liquor Authority pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted. Appellant is directed to perfect the appeal on or before August 9, 2010 for the October 2010 Term. The aforesaid relief is granted without prejudice to appellant's statutory authority to otherwise enforce the Alcohol Beverage Control Law during the pendency of the appeal.

ENTER:

A handwritten signature in black ink, reading "David Apolony". The signature is written in a cursive style with a large, stylized initial "D".

Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 1, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X  
Richard Djeddah,  
Plaintiff-Respondent,

-against-

M-2132  
Index No. 350094/00

Rachel Djeddah,  
Defendant-Appellant.

-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 20, 2010 (mot. seq. no. 011), and for a stay of certain motion practice 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 to dismiss the aforesaid appeal is denied, with leave to address the issue in respondent's brief on the appeal. The appellant is directed to perfect the appeal on or before September 7, 2010 for the November 2010 Term; stay of proceedings denied.

ENTER:



Clerk.