

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

-----X  
Kristina Teichman, also known as  
Kristina Bohmova,

Plaintiff-Respondent,

M-5427

Index No. 310316/06

-against-

Boris Teichman,

Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 31, 2008 (mot. seq. no. 008),

Now, upon reading and filing the stipulation of the parties hereto, filed November 30, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

-----X  
Melvin Van Peebles and Yeah, Inc.,

Plaintiffs-Appellants,

-against-

M-5435X  
Index No. 600154/08

The American Society of Composers,  
Authors and Publishers, et al.,

Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 9, 2009 and from the judgment of said Court entered on or about April 14, 2009, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 1, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

-----X  
Carlos Silva,  
Plaintiff-Respondent,

-against-

M-5436X  
Index No. 102939/07

HRCF-LDR Lexington LLC,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 22, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 30, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

-----X  
Hospitality International, Inc.,

Plaintiff-Appellant,

-against-

Hotels Unlimited, Inc.,

Defendant-Respondent.  
-----X

M-5437X  
Index No. 109609/08

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 2, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 30, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

-----X  
OTG JFK T5 Venture, LLC,

Petitioner-Appellant,

-against-

M-5439X  
Index No. 115994/08

Ibex Construction, LLC,

Respondent-Respondent.  
-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 2, 2009 (mot. seq. no. 001 and 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 30, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY CLERK  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

-----X  
Black Diamond Commercial Finance,  
L.L.C., etc.,

Plaintiff-Respondent,

-against-

M-5440X  
Index No. 650384/08

CIT Group/Business Credit, Inc.,

Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 19, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" November 30, 2009, and due deliberation having been had thereon,

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

ENTER:

  
DEPUTY CLERK

1

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

-----X  
In the Matter of

Tateana R.,

A Person Alleged to Be a Juvenile  
Delinquent,

M-5315  
Docket No. D6588/08

Respondent-Appellant.  
-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about March 30, 2009,

Now, upon reading and filing the correspondence of The Legal Aid Society (Judith L. Harris of counsel), dated November 10, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid correspondence. (See M-5316, decided simultaneously herewith.)

ENTER:

  
DEPUTY CLERK  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

-----X  
In the Matter of

Tateana R.,

A Person Alleged to Be a Juvenile  
Delinquent,

M-5316  
Docket No. D28017/08

Respondent-Appellant.  
-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about March 5, 2009,

Now, upon reading and filing the correspondence from The Legal Aid Society (Judith L. Harris of counsel), dated November 10, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid correspondence. (See M-5315, decided simultaneously herewith.)

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

-----X  
June Kane,

Plaintiff-Respondent,

-against-

M-5489

Index No. 115644/07

The Port Authority of New York &  
New Jersey, et al.,

Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 5, 2009 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, filed December 3, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

-----X  
Keane Telecom Consulting, LLC,

Plaintiff-Respondent,

-against-

M-5478

Index No. 603547/07

Manhattan Telecommunications Corporation, doing business as Metropolitan Telecommunications, also known as Mettel,

Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 26, 2008 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, filed November 24, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 2010 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

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

The Port Authority of New York  
and New Jersey,  
Petitioner-Appellant,

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

M-4418  
Index No. 401106/08

-against-

Local Union No. 3, International  
Brotherhood of Electrical Workers,  
Respondent-Respondent.

-----X

Respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about October 20, 2008 (mot. seq. no. 001), and for related relief,

Now, upon reading and filing the papers with respect to the motion including the stipulation of discontinuance dated December 1, 2009, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal is deemed withdrawn.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

-----X  
Abraham Pabon,

Plaintiff-Respondent,

-against-

M-4767X  
Index No. 6257/07

Jonathan Cerda & Victor Tolentino,

Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 13, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 16, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn pursuant to the stipulation of the parties hereto filed on September 9, 2009 (see M-4150 entered September 22, 2009).

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
James M. McGuire  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X  
Sara Kinberg,  
Plaintiff-Appellant,

-against-

M-4749  
Index No. 21593/06

Jane Bevans,  
Defendant-Respondent.

-----X  
Sara Kinberg,  
Plaintiff-Appellant,

-against-

Index No. 1628/06

Yoram Kinberg,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 22, 2009,

And defendants-respondents having moved, pursuant to CPLR 5513(a), for dismissal of the appeal as untimely taken,

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:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
James M. McGuire  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5072  
Ind. No. 225/08

Gregory Huffman,  
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 14, 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, 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:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. McGuire  
Rolando T. Acosta  
Nelson S. Roman, Justices.

-----X  
In the Matter of

Ronald Anthony G. and Samron G.,

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

M-4704  
Docket Nos. NN152/08  
NN680/09

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

-against-

Sammantha J.,  
Respondent-Appellant.

- - - - -  
Michael Scherz, Esq., Lawyers for  
Children,  
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, New York County, entered on or about August 24, 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, Howard M. Simms, Esq., 295 Greenwich St., #222, New York, NY 10007, Telephone No. (212) 655-5802, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) 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:

  
DEPUTY CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. McGuire  
Rolando T. Acosta  
Nelson S. Roman, Justices.

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

M-4737  
Docket No. 04279/09

- - - - -  
Tyrone T.,  
Petitioner-Appellant,

-against-

Katherine M.,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about July 21, 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, John J. Marafino, Esq., 305 Broadway, Suite 602, New York, NY 10007, Telephone No. (914) 663-1500, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be

charged against the City of New York from funds available 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.

ENTER:

  
DEPUTY CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David B. Saxe  
James M. McGuire  
Rolando T. Acosta  
Nelson S. Roman, Justices.

-----X  
In the Matter of

Ytossie Audrea J.,

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

M-4757  
Docket No. B11671/07

- - - - -  
Harlem Dowling-Westside Center  
for Children and Family Services,  
et al.,  
Petitioners-Respondents,

Toyie D. H., also known as  
Toyie J.,  
Respondent-Appellant.

- - - - -  
Steven Banks, Esq., The Legal Aid  
Society, Juvenile Rights Division,  
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 September 1, 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

December 17, 2009

§1120 of the Family Court Act, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, NY 10013, Telephone No. (212) 693-2330, as counsel for purposes of 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.

ENTER:

*David Spolony*  
DEPUTY CLERK

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Richard T. Andrias  
Eugene Nardelli  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Omar Saheem Ali J., also known as  
Omar Saheem Ali S.,

M-4897  
Docket No. B10412/07

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

- - - - -  
Little Flower Children's Services  
of New York, et al.,  
Petitioners-Respondents,

Matthew J.,  
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about May 18, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 682-2171, 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.

ENTER:

  
DEPUTY CLERK.

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
James M. McGuire  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-5123  
Ind. Nos. 6154/02  
5531/01

Ricardo Lopez,  
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 June 22, 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:

  
DEPUTY CLERK C.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

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

-against-

M-5204  
Ind. No. 1485/06

Melvin Orange,  
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 August 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.

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  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

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

-against-

M-5171  
SCI No. 5818/08

Fabio Minaya, also known as Porfirio  
Mendoza,  
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 20, 2009, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Steven Losquadro, Esq., as well as 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  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

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

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

-against-

M-5201  
Ind. No. 2790/08

Isabel Ruffen,  
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 April 24, 2009, 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), including the amount and source(s) of her income and listing her property with its value.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
James M. McGuire  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X  
Commandment Keepers Ethiopian  
Hebrew Congregation of the Living  
God, Pillar and Ground of Truth,  
Inc.,  
Plaintiff-Appellant,

M-5196  
Index No. 106102/07

-against-

31 Mount Morris Park, LLC, et al.,  
Defendants-Respondents.  
-----X

Appeals having been taken from the order and judgment of the Supreme Court, New York County, entered on or February 4, 2009 (mot. seq. no. 005) and February 5, 2009, respectively, and from the order of said Court entered on or about March 27, 2009,

And plaintiff-appellant having moved for the 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 appellant to prosecute the consolidated appeals upon 10 copies of one record and of one set of appellant's points covering said appeals. The time in which to perfect the consolidated appeals is enlarged to on or before February 1, 2010 for the April 2010 Term.

ENTER:

  
Clerk  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
James M. McGuire  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X  
Joyce Meshel,  
Plaintiff-Appellant,

-against-

M-5030  
Index No. 350604/04

Jeffrey Meshel,  
Defendant-Respondent.

-----X

An appeal having been taken to this Court from the judgment of divorce of the Supreme Court, New York County, entered on or about August 27, 2008,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal, and for related relief,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the June 2010 Term, and the motion is otherwise denied.

ENTER:

  
DEPUTY CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
James M. McGuire  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X  
Ace Fire Underwriters Insurance  
Company, etc., et al.,  
Plaintiffs,

Pacific Employers Insurance Company,  
Plaintiff-Respondent,

-against-

ITT Industries, Inc., etc.,  
Defendant-Appellant,

M-5290  
Index No. 600133/06  
(mot. seq. nos. 042 & 044)

U.S. Silica Corporation, etc. et al.,  
Defendants.

-----X  
Ace Fire Underwriters Insurance  
Company, etc., et al.,  
Plaintiffs-Appellants,

-against-

ITT Industries, Inc., etc.,  
Defendant-Respondent,

U.S. Silica Corporation, etc., et al.,  
Defendants,

Affiliated FM Insurance Company,  
Defendant-Appellant,

Index No. 600133/06  
(mot. seq. no. 048)

Allianz Underwriters Insurance  
Company, et al.,  
Defendants,

OneBeacon America Insurance Company,  
etc.,  
Defendant-Appellant,

Underwriters at Lloyd's of London, et al.,  
Defendants-Appellants.

-----X

Defendant-appellant ITT Industries, Inc., etc., having taken an appeal from the order of the Supreme Court, New York County, entered on or about July 20, 2007 (mot. seq. nos. 042 & 044),

And an appeal having been taken from the order of said Court entered on or about August 21, 2007 (mot. seq. no. 048) by plaintiffs Ace Fire Underwriters Insurance Company, etc., et al.,

And separate appeals having been taken from the aforesaid order entered on or about August 21, 2007 by defendants, Affiliated FM Insurance Company; OneBeacon America Insurance Company, etc.; and Underwriters at Lloyd's of London, et al.,

And the appellants having jointly moved for an enlargement of time in which to perfect the aforesaid respective appeals pending the outcome of an action entitled, *Cannon Electric, Inc., et al. v Ace Property & Casualty Insurance Company, et al.* BC 290354, presently pending in the Los Angeles County Superior Court, State of California,

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 of the respective appellants in which to perfect the appeal(s) to on or before March 22, 2010 for the June 2010 Term.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
James M. McGuire  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

-----X  
Eliezer Schoen, Individually and as  
Executor and Co-Trustee of the Estate  
of Leah Schoen,  
Plaintiff-Appellant/  
Appellant-Respondent,

-against-

M-5073  
Index No. 111971/06

Ruth Lemberger, Individually and as  
Co-Trustee under the Last Will and  
Testament of Leah Schoen, deceased,  
Defendant-Respondent/  
Respondent-Appellant,

Merrill Lynch & Co., Inc., and  
Townsend & Valente, LLP,  
Defendants.

-----X

Plaintiff having taken an appeal to this Court from the order and judgment of the Supreme Court, New York County, entered on or about March 31, 2008 and on or about April 17, 2008, respectively,

And plaintiff having taken an appeal to this Court from the order of said Court, entered on or about January 21, 2009,

And defendant Ruth Lemberger having taken a cross appeal to this Court from the aforesaid order entered on or about January 21, 2009,

And plaintiff having moved for an enlargement of time in which to perfect the appeal taken from the aforesaid order entered on or about March 31, 2008 and from the judgment entered on or about April 17, 2008,

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 plaintiff's time in which to perfect the aforesaid appeal to the June 2010 Term, for which Term plaintiff is directed to perfect the direct appeal from the order entered on or about January 21, 2009. The Clerk is directed to calendar the appeals and cross appeal for hearing together in said June 2010 Term.

ENTER:

*David Spolony*  
Clerk  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Myron Zuckerman,  
Plaintiff-Appellant,

-against-

M-5482  
Index No. 113633/07

Sydell Goldstein, Audrey Siller,  
Barbara Zuckerman, Lance Landers  
and Sam-Fay Realty Corp.,  
Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 27, 2009 (mot. seq. no. 013),

And plaintiff-appellant having moved for a preference in the hearing 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 to the extent of directing the Clerk to maintain the appeal on the calendar for the February 2010 Term.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
John T. Buckley  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

City Services, Inc., Arnold Lasker  
and Barry Alper,  
Petitioners,

For an Order Pursuant to Article 78  
of the Civil Practice Law and Rules,

M-4599  
Index No. 113794/09

-against-

Richard H. Neiman, Superintendent  
of Banks, New York State Banking  
Department,  
Respondent.

-----X

Petitioners having moved in the nature of a preliminary appellate injunction pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 2, 2009 (mot. seq. no. 001),

Now, upon reading and filing the papers with respect to the motion including correspondence from counsel for petitioners, Arthur S. Friedman, Esq., dated October 21, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:

  
DEPUTY CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----x  
Sammie McClellan,

Plaintiff-Appellant,

-against-

M-5105  
Index No. 302489/07

Majestic Tenants Corp., et al.,

Defendants-Respondents.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about July 8, 2008,

And plaintiff-appellant having moved for leave to serve and file a supplemental brief in connection with 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. (See Appeal No. 1591, decided simultaneously herewith.)

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
James M. McGuire  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of the Application of  
Uptown Holdings, LLC, Heron Real Estate  
Corp., Yory, LLC and Hee Nam Bae,  
Petitioners,

For a Judgment Pursuant to Article 2  
of the Eminent Domain Procedure Law

-against-

City of New York, City of New York  
Department of Housing Preservation  
and Development and New York City  
Economic Development Corp.,  
Respondents.

M-5044  
M-5353  
First Department  
Motion No. 3338

-----X

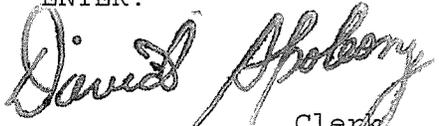
A proceeding having been commenced pursuant to Eminent Domain Procedure Law §207 and NYCRR 600.2(b), by motion returnable October 5, 2009 (M-3338),

And petitioner having moved for an order striking Exhibits C & D to respondent's Verified Answer dated September 29, 2009 (M-5044),

And respondents having cross-moved to strike paragraphs 53, 59, 67 and 136 of the Verified Petition dated July 16, 2009 (M-5353),

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

Ordered that the motion and cross motion are denied, without prejudice to the parties addressing the issues on the original proceeding which petitioners are directed to brief for the April 2010 Term.

ENTER:  
  
Clerk.  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalynd H. Richter, Justices.

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

-against-

M-5122  
Ind. No. 1925/08

David Parson,  
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 July 14, 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, 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:

  
DEPUTY CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against- M-5203  
Ind. No. 1486/08

Andre Smalls,  
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 November 21, 2008, 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 M. 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:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
Nonna Osipova,

Plaintiff-Appellant,

-against-

M-5132  
Index No. 109769/08

J & J Hotel, et al.,

Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about November 26, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
Randy Fertel,  
Plaintiff-Respondent,

-against-

M-4951  
Index No. 111121/07

The Chelsea 19 Condominium, by its  
Board of Managers,  
Defendant-Respondent.

-----X  
The Chelsea 19 Condominium, by its  
Board of Managers,  
Third-Party Plaintiff-Respondent,

-against-

Third-Party  
Index No. 590929/07

Chelsea 19 Associates, a partnership,  
by its partner Donald Zweibon and  
Donald Zweibon, Individually,  
Third-Party Defendants-Appellants.

-----X

Third-party defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 24, 2008 (mot. seq. no. 009),

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

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

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

Alphonso Simmons,

Defendant-Appellant.  
-----X

M-5172

Ind. Nos. 1467/06

4463/06

An order of this Court having been entered on September 24, 2009 (M-3610), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 19, 2006,

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

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before February 1, 2010 for the April 2010 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
Clerk  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

-against- M-5121  
Ind. No. 6140/07

Loren Mackie,  
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 June 22, 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, 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 M. 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:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Yehoshua Segal,  
Plaintiff-Appellant,

-against-

M-5357  
Index No. 602340/08

Varonis Systems, Inc., Yakov  
Faitelson, Yuval Meidar and  
Trinet Group, Inc.  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a stay of arbitration pending hearing and determination of the appeal taken from the orders of the Supreme Court, New York County, entered on or about September 22, 2009, September 23, 2009, September 25, 2009 and September 28, 2009, respectively,

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

It is ordered that the motion is denied.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,  
John T. Buckley  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

- - - - -  
Anthony Q. J., M-4485  
Petitioner-Appellant, Docket No. P9561/08

-against-

Raquel W. and Jack G.,  
Respondents-Respondents.

-----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 July 28, 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, Kenneth Walsh, Esq., 67 Wall Street, 22<sup>nd</sup> Floor, New York, NY 10005, Telephone No. (212) 709-8342, 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.

ENTER:

  
DEPUTY CLERK.

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

-----  
Keenan R.,  
Petitioner-Appellant,

M-5411  
Docket No. V4118-9/03

-against-

Julie L. and Jerald L.,  
Respondents-Respondents.

-----X

Respondents, in connection with the appeal from the order of the Family Court, New York County, entered on or about March 21, 2008, having moved for an enlargement of time in which to file a respondent's brief,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to file respondent's brief to on or before February 3, 2010 for the March 2010 Term, to which Term the appeal is adjourned.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 17, 2009.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
William C. Dunleavy, as Executor of  
the Estate of Laura Dunleavy, also  
known as Laura T. Dunleavy, on  
behalf of Laura Lynn Dunleavy, a  
minor,  
Plaintiff-Respondent,

M-5276  
Index No. 21740/96

-against-

John J. Smith and The City of  
New York,  
Defendants-Appellants.

-----X

Municipal defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about January 20, 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 April 2010 Term.

ENTER:

  
Clerk  
DEPUTY CLERK

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

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

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

M-5184  
Ind. No. 4854/03

-against-

CERTIFICATE  
DENYING LEAVE

Steven Mears, Defendant.  
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about September 22, 2009, is hereby denied.

Dated: New York, New York  
December 11, 2009



\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division

**ENTERED**

**DEC 17 2009**

**PM ORDERS**

**ENTERED**

**DECEMBER 15, 2009**

**&**

**DECEMBER 16, 2009**

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Allstate Insurance Company, et al.,  
Plaintiffs-Respondents,

-against-

M-5259  
Index No. 600509/03

Belt Parkway Imaging, P.C., Diagnostic  
Imaging, P.C., Metroscan Imaging, P.C.,  
Parkway MRI, P.C., and  
Herbert Rabiner, M.D.,  
Defendants-Appellants,

Parkway Magnetic Resonance Imaging,  
Inc., et al.,  
Defendants-Respondents.

-----X

Defendants-appellants having moved for an order staying all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 22, 2009 (mot. seq. no. 014),

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 any closing of discovery or requirement of a note of issue in the "Stage 1" of the litigation. The motion is otherwise denied. The briefing schedule contained in the order of a Justice of this Court dated November 17, 2009 continues.

ENTER:

  
Clerk.  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 16, 2009.

Present - Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Mary Stevenson,

Plaintiff-Appellant,

-against-

John Cote, et al.,

Defendants-Respondents.  
-----X

M-5080  
M-5190  
Index No. 117615/05

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 29, 2009,

And plaintiff-appellant having moved for a stay of eviction pending hearing and determination of the aforesaid appeal, and for leave to prosecute the appeal as a poor person (M-5080),

And defendant-appellant John Cote having cross-moved for dismissal of the aforesaid appeal (M-5190),

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

It is ordered that the motion is denied, the cross motion is granted and the appeal is dismissed.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Mark A. Taylor,

Plaintiff-Appellant,

-against-

M-5380  
Index No. 570594/06

New York University Medical Center  
and Peter L. Ferrara,

Defendants-Respondents.

-----  
Lambda Legal Defense and Education  
Fund, Inc.,

Amicus Curiae.

-----X

Leave to appeal to this Court having been granted by the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 11, 2008,

And Lambda Legal Defense and Education Fund, Inc. having moved for leave to appear and to file a brief amicus curiae in connection with 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 only to the extent of permitting Lambda Legal Defense and Education Fund, Inc., to expeditiously file 10 copies of the brief as amicus curiae with the Clerk of the Court, and the motion is otherwise denied.

ENTER



DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
James M. McGuire  
Sallie Manzanet-Daniels, Justices.

-----X  
Telerep, LLC, et al.,  
Plaintiffs-Appellants,

-against-

M-5252  
M-5289  
Index No. 600832/09

U.S. International Media, LLC and  
Martin Retail Group, LLC,  
Defendants-Respondents.

-----X  
Katz Communications, Inc., et al.,  
Plaintiffs-Appellants,

-against-

Index No. 600831/09

U.S. International Media, LLC and  
Martin Retail Group, LLC,  
Defendants-Respondents.

-----X  
Petry Television, Inc., et al.,  
Plaintiffs-Appellants,

-against-

Index No. 600881/09

U.S. International Media, LLC and  
Martin Retail Group, LLC,,  
Defendants-Respondents.

-----X

An appeal having been taken by plaintiffs, Katz Communications, Inc., et al., from the order of the Supreme Court, New York County, entered on or about August 10, 2009,

And appeal(s) having been taken by plaintiffs, Telerep, LLC, et al., from the order of said Supreme Court, entered on or about August 11, 2009, and said appeal(s) having been perfected,

And an appeal having been taken by plaintiffs, Petry Television, Inc., et al., from the order of said Supreme Court, entered on or about August 11, 2009,

And defendant respondent, U.S. International Media LLC, having moved for consolidation of the aforesaid appeals, and for related relief (M-5252),

And defendant-respondent, Martin Retail Group, LLC having moved for the same relief (M-5289),

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

Ordered that the motions are denied.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2009.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Farley L. Velasquez and Oscar Rodrigo  
Bolivar,  
Plaintiffs-Respondents,

-against-

M-5399  
Index No. 24340/06

PI Mechanical Corp. and Carlos Mogro,  
Defendants-Appellants.

-----X

Defendants-appellants having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, Bronx County, on or about November 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 denied.

ENTER:

  
DEPUTY CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 15, 2009.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

-against-

M-5291  
Ind. No. 5529/07

D'Juan Collins,  
Defendant-Appellant.

-----X

An order of this Court having been entered June 23, 2009 (M-2437) granting defendant leave to file a pro se supplemental brief and adjourning the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 15, 2008, and related relief,

And defendant-appellant having moved for an extension of time to file a pro se supplemental reply 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.

ENTER:

  
DEPUTY CLERK