

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

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

-----X
Michael Glassey,
Plaintiff-Respondent,

-against-

M-1314X
Index No. 108637/06

Robert S. Cassidy, Mary E. Cassidy,
Defendants-Appellants,

Rose O'Grady's, Inc., doing business
as Rose O'Grady's, Trel Restaurant,
Inc., doing business as Rosie O'Grady's,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 23, 2009 (mot. seq. no. 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 11, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 6, 2010.

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

-----X
Bing Ru Chen,
Plaintiff-Respondent,

-against-

M-1315X
Index No. 114127/06

Pathmark Stores, Inc., Pathmark
Stores, Inc., doing business as
Pathmark and Cherry Street, LLC,
Defendants-Appellants.

-----X
Pathmark Stores, Inc., Pathmark
Stores, Inc., doing business as
Pathmark and Cherry Street, LLC,
Third-Party Plaintiffs,

Third Party
Index No. 590843/08

-against-

Executive Snow Control,
Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 22, 2010 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 10, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 6, 2010.

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

-----X
Michael Gardner, Lynda Gardner
and Park 91 LLC
Plaintiffs-Appellants,

-against-

M-361
M-1316X
Index No. 604320/06

Fairway Interior Works, Inc., LJM
Interior Services Group, LJM Interior
Services Group, Ltd., John McDonald
and Laura McDonald,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from an order of the Supreme Court, New York County, entered on or about June 30, 2009 (mot. seq. no. 005) [M-361],

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 12, 2010 [M-1316X], and the stipulation of the parties dated March 16, 2010 [M-316], and due deliberation having been had thereon, it is

Ordered that the appeal and motion are deemed withdrawn in accordance with the aforesaid stipulations.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

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

-----X
iStar Financial Inc.,
Plaintiff-Appellant,

-against-

M-1196
Index No. 600772/09

John A. Mase and Anthony H. Salce, Jr.,
Defendants-Respondents.
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 17, 2009 (mot. seq. no. 001) and October 19, 2009 (mot. seq. no. 002), respectively,

Now, upon reading and filing the stipulation of the parties hereto, filed March 6, 2010, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the April 2010 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-796
Ind. No. 2528/09

William Rosenberg,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 22, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to to post the \$7,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick, Justices.

-----X
Amaranth LLC, et al.,
Plaintiffs-Appellants-Respondents,

-against-

J.P. Morgan Chase & Co., et al.,
Defendants-Respondents,

M-5365
M-5552
Index No. 603756/07

J.P. Morgan Futures, Inc.,
Defendant-Respondent-Appellant.
-----X

Plaintiffs-appellants Amaranth LLC having moved for reargument (M-5365) of the decision and order of this Court entered on November 5, 2009 (Appeal No. 274),

And defendant-respondent J.P. Morgan Chase & Co., having moved for leave to appeal to the Court of Appeals (M-5552) from the aforesaid decision and order of this Court entered on November 5, 2009 (Appeal No. 274),

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

It is ordered that the motions are denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Eugene Nardelli
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
In re East River Realty Company, LLC

Petitioner-Respondent,

-against-

M-718
Index No. 117040/07

New York State Department of Environmental
Conservation,

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 17, 2009 (Appeal No. 1824),

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
David B. Saxe
Dianne T. Renwick
Sallie Manzanet-Daniels, Justices.

-----X
In re Estate of Grace T. Rella,
Deceased.

- - - - -
Gilbert F. Rella, et al.,
Petitioners-Appellants,

M-5702
M-107
File No. 536 P-97

Vincent Rella, et al.,
Objectants-Respondents.
-----X

Petitioners-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 12, 2009 (Appeal No. 1439) [M-5702],

And objectants-respondents having cross-moved for dismissal of so much of the motion seeking reargument as untimely taken and/or denial, on the merits, of so much of the motion seeking reargument or leave to appeal to the Court of Appeals [M-107],

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 [M-5702]. The cross motion is granted to the extent of dismissing so much of the motion seeking reargument, and denying so much of the motion which seeks leave to appeal to the Court of Appeals [M-107].

ENTER:

David Apolony
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

-----x
Château Stores, Inc.,

Plaintiff-Respondent,

-against-

RNJ New York Holdings, LLC,

Defendant-Appellant.
-----x

M-751
Index No. 109249/08

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 30, 2009 (mot. seq. no. 002),

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Ike Essilfie-Obeng, An Infant by his
Mother and Natural Guardian,
Lydia Davies,

Plaintiff-Appellant,

-against-

M-889
Index No. 8967/04

Godfried R. Ahyia, et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about May 19, 2009,

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

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

-----X
Juan D. Reyes, M.D.,
Plaintiff-Appellant,

-against-

M-933
Index No. 24634/03

Rafael Sequeira, M.D., et al.,
Defendants-Respondents,

424 East 138th Street LLC,
Defendant.

-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 15, 2009 (Appeal No. 1783N) 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:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

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

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

Respondent,

-against-

M-394

Ind. No. 6704/06

Leonardo Hernandez-Cruceta, also
known as Leonardo Hernan,

Defendant-Appellant.
-----X

The People having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 10, 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 and the appeal is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

Present - Hon. Peter Tom, Justice Presiding,
John T. Buckley
James M. Catterson
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Casey T.,

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

M-4177B
Docket No. NN2661/08

Commissioner of the Administration
for Children's Services of the City
of New York,
Petitioner-Respondent,

Marisol T.,
Respondent-Appellant.

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

-----X
Respondent-appellant mother Marisol T. having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about June 22, 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, Susan Jacobs, Esq., Center for Family Representation, Inc., 116 John Street, 19th Floor, New York, New York 10038, Telephone No. 212-691-0950, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal 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. The orders of this Court entered on March 4, 2010 (M-4177) and March 23, 2010 (M-4177A) are hereby recalled and vacated.

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

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

-against-

M-5305
Ind. No. 4685/94

Luis Paulino, also known as
Luis Rodriguez,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 1, 1999 (Appeal No. 685), unanimously affirming a judgment of the Supreme Court, Bronx County (Harold Silverman, J.), rendered on April 3, 1997,

And defendant-appellant having renewed his 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, said motion having been previously denied by an order of this Court entered July 22, 2008 (M-6574) and defendant's application for a certificate granting leave to appeal to the Court of Appeals from the aforesaid order having been denied by order of an Associate Judge of the Court of Appeal on August 19, 2009 (Eugene F. Pigott, Jr., J),

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

It is ordered that said application is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Eugene Nardelli
Sheila Abdus-Salaam, Justices.

-----x
Kevin Veneski and Juanity Veneski,
Plaintiffs-Respondents,

-against-

M-658
Index No. 100011/98

Queens-Long Island Medical Group P.C.
and Lawrence Sokolsky, M.D.,
Defendants-Appellants,

Norman Leonard Cousins,
Non-Party Appellant,
-----x

Appeals having been taken to this Court by non-party appellant from judgment and order of the Supreme Court, New York County, entered on or about January 7, 2009 and September 29, 2009, respectively,

And non-party appellant having moved for an enlargement of time in which to perfect the appeal from the aforesaid judgment entered on or about January 7, 2009 and for consolidation of the aforesaid appeals,

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

It is ordered that so much of the motion which seeks an enlargement of time in which to perfect the appeal from the judgment entered on or about January 7, 2009, is denied and, sua sponte, the appeal is dismissed. So much of the motion which seeks to consolidate the aforesaid appeals is dismissed as moot.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

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-917
Ind. No. 3696/08

Solomon Wright,
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 23, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

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

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

-against-

M-137
Ind. No. 5750/08

Ramiz Povataj,
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

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

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

Miriam S.,
Petitioner-Respondent,

-against-

M-4315
Docket Nos. V-24569/09
V-24575/09

Ramon F.,
Respondent-Respondent.

Dawn O'Brien-Ganz, Esq. and
Michael D. Scherz, Esq., Lawyers
For Children, Inc.,
Law Guardian for the Child-
Appellant.

-----X
Law Guardian for the child having moved for leave to appeal from the order of the Family Court, New York County, entered on or about September 17, 2009, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated February 24, 2010, and due deliberation having been had thereon,

It is ordered that the motion for leave to appeal and for related relief is deemed withdrawn, and the order of a Justice of this Court, dated September 22, 2009, is herewith vacated.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

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

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

The City of New York; the New York City
Mayor's Office of Labor Relations, et al.,
Petitioners,

For a Judgment Pursuant to Article 78
of the CPLR Annuling a Determination of

M-807
Index No. 1522/09

William C. Thompson, Jr., as the
Comptroller of the City of New York, (on
Complaint of Local 1320 of District Council
37, American Federation of State, County
and Municipal Employees, AFL-CIO), et al.,
Respondents,

Fixing the Compensation of Sewage Treatment
Workers and Senior Sewage Treatment Workers
as Employees of the City of New York at the
Prevailing Rate of Wages Pursuant to New York
State Labor Law Section 220, et seq, and For
a Judgment and Order Pursuant to Article 78
of the Civil Practice Law and Rules.

-----X
In an original proceeding pursuant to Article 78 of the
CPLR, respondents having moved to vacate the statutory stay afforded
petitioners by the order of the Comptroller of the City of New York,
issued on or about November 23, 2009, or for alternative 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
directing petitioners to file their main memorandum of law on or
before July 12, 2010 for the September 2010 Term, for which Term the
Clerk is directed to calendar the proceeding. The motion is otherwise
denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Captain Lori Albunio, et al.,
Plaintiffs-Respondents,

M-5470

-against-

Index No. 113037/03

The City of New York, et al.,
Defendants-Appellants.

Robert Sorrenti,
Plaintiff-Respondent,

-against-

Index No. 126981/02

The City of New York, et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 5, 2009 (Appeal Nos. 960/961/961A/961B),

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

It is ordered that the motion is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, to the extent that it affirmed the judgments of Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

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

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

-against-

M-878
Ind. No. 4567/07

Christopher Perino,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 22, 2009, said appeal having been perfected,

And defendant-appellant having moved for an order continuing the stay of execution of sentence and release on recognizance issued by Supreme Court on or about September 22, 2009, pending hearing and determination of the aforesaid appeal and pursuant to the stipulation of the parties, dated January 25, 2010,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated January 25, 2010, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of continuing the stay of execution of sentence and release on recognizance, pending hearing and determination of the aforesaid appeal.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman
Nelson S. Román, Justices.

-----X
In re Michael San Filippo,

Petitioner,

-against-

M-5850
Index No. 117280/07

The New York City Department of
Buildings, et al.,

Respondents.
-----X

Petitioner having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 1, 2009 (Appeal No. 1618),

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

It is ordered that the motion is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Sallie Manzanet-Daniels, Justices.

-----X
In the Matter of the

Metropolitan Transportation Authority,
relative to acquiring title in fee
simple absolute to certain real property
and terminating private interests in
vaults in certain New York City
sidewalks, required for the

Fulton Street Transit Center Project Phase 2,

Block 79, Lot 15; Block 79, Lot 16; Block 79,
Lot 18; Block 79 Lot 19; Block 79, Lot 21
(Fee and Vaults); Block 70, Lot 25; Block 79,
Lot 26 (Vaults),

M-1239

as said property is shown on the current
Tax Map of the Borough of Manhattan, City
and State of New York.

-----X
Collegiate Church Corporation (Block 79,
Lots 15, 18 and 21),
Claimant-Respondent,

Index No. 401185/08

-against-

Metropolitan Transportation Authority,
Condemnor-Appellant.

-----X
200 Broadway Joint Venture Co., LLC,
formerly known as 200 Broadway Co., LLC
(Block 79, Lot 19),
Claimant-Respondent,

Index No. 401192/08

-against-

Metropolitan Transportation Authority,
Condemnor-Appellant.

-----X

-----X
 DLR Properties, LLC (Block 79, Lot 16),
 Claimant-Respondent-Appellant,

Index No. 401188/08

-against-

Metropolitan Transportation Authority,
 Condemnor-Appellant-Respondent.
 -----X

Appeals and a cross appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 3, 2009,

And claimant-respondent Collegiate Church Corporation (Block 79, Lots 15, 18 and 21, Index No. 401185/08) having moved for an order consolidating the aforementioned appeals and cross appeal for hearing together,

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 calendar the appeals and cross appeal for hearing together during the October 2010 Term, to which Term the appeal and cross appeal previously perfected in DLR Properties, LLC (Block 79, Lot 16, Index No. 401188/08) are adjourned. Appellant Metropolitan Transportation Authority is directed to perfect its separate appeals in Collegiate Church Corporation (Block 79, Lots 15, 18 and 21, Index No. 401185/08) and 200 Broadway Joint Venture Co., LLC. (Block 79, Lot 19, Index No. 401192/08) on or before August 9, 2010 for said 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 April 6, 2010.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

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

-against-

M-930
Ind. No. 2711/04

Nafis Wright,
Defendant-Appellant.

-----X

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

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

-against-

M-886
Index No. 3570/07

Thanh Do,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about June 24, 2008,

And defendant-appellant having moved for an order unsealing the *Darden* hearing minutes and related paperwork, including the sealed portions of the Court's suppression decision, and for other relief,

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

It is ordered that the motion is denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
Karla Moskowitz
Helen E. Freedman
Nelson S. Román, Justices.

-----X
Deborah Bush,
Petitioner-Appellant,

For an Order Pursuant to Article 78
of the CPLR,

M-909
Index No. 252101/09

-against-

The Division of Human Rights, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about February 5, 2010, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

Present: Hon. David Friedman, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman
Nelson S. Román, Justices.

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

Respondent,

-against-

M-270
Ind. No. 3323/05

Esmeraldo Hernandez,

Defendant-Appellant.
-----X

The People having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 27, 2006,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Philip Seldon,
Plaintiff-Appellant,

-against-

M-373
Index No. 570340/09

Neil Brody, Kevin Pollack and Brody,
Fabiani & Cohen,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 1, 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 April 6, 2010.

Present: Hon. David Friedman, Justice Presiding,
James M. Catterson
James M. McGuire
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
Thorner Harris,

Plaintiff-Appellant,

-against-

M-649
M-810
Index No. 112406/08

Seward Park Housing Corporation,
doing business as The Rudd Group,
Ltd., et al.,

Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 14, 2009 (mot. seq. no. 002) [M-649],

And defendants-respondents having cross-moved to strike plaintiff's appeal [M-810],

Now, upon reading and filing the papers with respect to the motion and cross motion, and the affirmation of plaintiff's counsel, dated February 23, 2010, and due deliberation having been had thereon,

It is ordered that plaintiff's motion is deemed withdrawn. Defendants' cross motion to strike plaintiff's appeal is denied without prejudice to defendants raising the issue on the appeal.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 6, 2010.

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

-----x
NTD Construction Corp., et al.,
Plaintiffs-Respondents,

-against-

M-735
Index No. 600995/09

TD Bank, N.A.,
Defendant-Appellant,

PC Richard & Son, Long Island Corp.,
Defendants.
-----x

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 14, 2009,

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

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

ENTER:


Clerk

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

BEFORE: Hon. Nelson S. Román
Justice of the Appellate Division

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

M-631
Ind. No. 1609/05

-against-

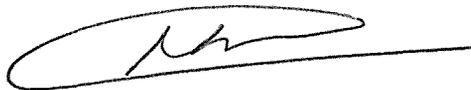
CERTIFICATE
DENYING LEAVE

Ishea Young,

Defendant.

-----X

I, Nelson S. Román, 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, rendered on or about October 23, 2009 is hereby denied.



Associate Justice

Dated: **MAR 30 2010**
New York, New York

ENTERED: **APR - 6 2010**

PM ORDERS

ENTERED

APRIL 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 April 1, 2010.

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

-----X
Tiffany Applewhite, an infant under
the age of 14 years, by her mother
and natural guardian Samantha Applewhite
and Samantha Applewhite, individually,
Plaintiffs-Respondents,

-against-

M-1174
Index No 22234/98

Accuhealth, Inc., Emergency Medical
Service, The City of New York,
Defendants,

-and-

Linda Russo, R.N.,
Defendant-Appellant.

-----X

Defendant-appellant Linda Russo having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 29, 2009,

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

It is ordered that the motion is granted. The Clerk of the Court is directed to calendar the appeal for hearing in the first week of the June 2010 Term.

ENTER:



Clerk.

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

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

-----X
Oded Nachmani,
Petitioner-Respondent,

-against-

M-1326
Index No. 600110/10

By Design, LLC,
Respondent-Appellant.

-----X

Respondent-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 25, 2010 (mot. seq. no. 001), 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:



Clerk.

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

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

-----X
Caesars Bahamas Investment Corporation,
Plaintiff-Respondent,

-against-

M-1333
Index No. 600740/08

Baha Mar Joint Venture Holdings LTD.
and Baha Mar JV Holding LTD. and
Baha Mar Development Company LTD.,
Defendants-Appellants.

-----X
Baha Mar Joint Venture Holdings LTD.
and Baha Mar JV Holding LTD. and
Baha Mar Development Company LTD.,
Third-Party Plaintiffs-Appellants,

-against-

Third-Party
Index No. 590277/08

Harrah's Operating Company, Inc.,
Third-Party Defendant-Respondent.

-----X

Defendants-appellants having moved for an order staying a referee hearing pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 11, 2010,

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

It is ordered that the motion is denied.

ENTER:



Clerk.

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

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

-----X
Birgit Mayo,
Plaintiff-Respondent,

-against-

M-1472
Index No. 101810/07

George T. Santis and Eric Goodman
Realty Corp.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 17, 2009 (mot. seq. no. 002),

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

It is ordered that the motion is granted.

ENTER:



Clerk.

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

Present - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X

In the Matter of

Alexander B.,

M-1110

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

Docket No. B-5090/07

- - - - -
Commissioner of Social Services and Abbott House,
Petitioners-Respondents,

Myra R., also known as Myra B.,
Respondent-Appellant.

- - - - -
Ruth Ann Litsky, Esq.,
Law Guardian for the Child.

-----X

A decision and order of this Court having been entered on February 18, 2010, affirming, insofar as appealed from, the order of the Family Court, Bronx County (Sidney Gribetz, J.), entered on or about March 12, 2009 (Appeal No. 2190),

And counsel for respondent-appellant having moved to be relieved as counsel and for substitution of other 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 assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. (914) 949-8214, as counsel for the purposes of further proceedings, if any. (See CPLR 5514[b])

ENTER:



Clerk.