

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 August 10, 2010.

PRESENT - Hon. David Friedman, Justice Presiding  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices

-----X  
Marc A. Landis, as Permanent Receiver  
of Haslacha, Inc., a Domestic  
Corporation,  
Plaintiff-Respondent,

-against-

M-3593  
Index No. 600657/09

French Bistro, Inc., et al.,  
Defendants-Appellants,

Shahram Lavian,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of the execution of a certain warrant of eviction with respect to premises located at 347 E. 54<sup>th</sup> Street, New York, N.Y. 10022 and a stay of the order and judgment (one paper) entered on or about January 20, 2010, pending hearing and determination of the appeal taken the order of the Supreme Court, New York County, entered on or about June 28, 2010 (mot. seq. no. 003),

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

It is ordered that the motion is granted on condition that appellant Shahram Lavian perfects the appeal in the above captioned action on or before October 4, 2010 for the December 2010 Term **and** post an undertaking in the amount of \$100,000.00 within 20 days of service of a copy of this order upon appellant which respondent is directed to serve upon appellant within 10 days of the date of entry hereof. Upon failure to meet either condition an order vacating the stay may be entered ex parte, provided that respondent serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER: *Elva Iris Castro*  
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 August 10, 2010.

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

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

-against-

M-3533  
Ind. No. 5645/06

Anthony Caldwell,  
Defendant-Respondent,  
-----X

The People having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about April 2, 2009 and June 3, 2010 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 granted to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals. The Clerk is directed to calendar the appeals for hearing together in the October 2010 Term.

ENTER:

*Elba Iris Castro*  
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 August 10, 2010.

Present - Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----x  
GRM Information Management Services,

Plaintiff-Appellant,

-against-

ABC, Inc.,

Defendant-Respondent.  
-----x

M-3517  
Index No. 102277/08

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 March 18, 2009 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before September 7, 2010 for the November 2010 Term.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

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

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

Appellant,

-against-

M-3450  
Ind. No. 3718/09

Jeffrey Banks,

Defendant-Respondent.

-----X

The People having appealed to this Court from an order  
of the Supreme Court, New York County, entered on or about  
September 24, 2009,

Now, upon reading and filing the stipulation of the  
parties hereto dated June 23, 2010, and due deliberation having  
been had thereon,

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

ENTER:

*Elba Iris Castro*

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 August 10, 2010.

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

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

Appellant,

-against-

M-3449  
Ind. No. 3718/09

Michael Williams,

Defendant-Respondent.

-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about September 24, 2009,

Now, upon reading and filing the stipulation of the parties hereto dated June 23, 2010, and due deliberation having been had thereon,

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

ENTER:

*Elba Iris Castro*

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 August 10, 2010.

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

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

Appellant,

-against-

M-3448  
Ind. No. 3718/09

Stanley Ross,

Defendant-Respondent.

-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about September 24, 2009,

Now, upon reading and filing the stipulation of the parties hereto dated June 23, 2010, and due deliberation having been had thereon,

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

ENTER:

*Elba Iris Castro*

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 August 10, 2010.

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

-----X

1400 Broadway Associates, LLC,

Plaintiff-Respondent,

-against-

M-3432X

Index No. 103705/09

Bar TJ Holdings LLC, etc., et al.,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 18, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 7, 2010, and due deliberation having been had thereon,

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

ENTER:

*Elba Iris Castro*

Deputy Clerk.

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

BEFORE: Hon. Eugene L. Nardelli  
Justice of the Appellate Division

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

Respondent,

M-3380  
Ind. No. 6677/04

-against-

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

Dionis Collado,

Defendant-Appellant.

-----x

I, Eugene L. Nardelli, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein\* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the ~~respondent~~  
People to appeal to the Court of Appeals.

Dated: 8 July, 2010  
New York, New York

ENTERED: August 10, 2010

  
Justice of the Appellate Division

\*Description of Order:

Supreme Court, New York County, entered on **March 11, 2009** .  
App. Div., Appeal No. **1676** , Revd on **May 25, 2010** .

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Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.



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 August 10, 2010.

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

-----X

Judlau Contracting, Inc.,

Plaintiff-Appellant,

-against-

M-3431X

Index No. 100529/05

Westchester Fire Insurance Company,

Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 28, 2009 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 6, 2010, and due deliberation having been had thereon,

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

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

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

-----X  
Credit Suisse Loan Funding, L.L.C.,

Plaintiff-Respondent,

-against-

M-3430X  
Index No. 600554/09

Robert F.X. Sillerman,

Defendant-Appellant.

-----X

An appeal having been taken from the orders of the Supreme Court, New York County, entered on or about December 11, 2009 and February 22, 2010, respectively, and from the judgment of said Court, entered on or about February 24, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 6, 2010, and due deliberation having been had thereon,

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

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3429  
Ind. No. 4080/06

Phillip McKelvey,

Defendant-Appellant.

-----X

Defendant-appellant having moved for 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 December 13, 2007, 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:

*Elva Iris Castro*

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 August 10, 2010.

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

-----X  
Craig Brown, et al.,  
Plaintiffs-Respondents,

-against-

Strategic Legal Resources, Inc., M-3409  
etc., et al., Index No. 600018/10  
Defendants-Appellants,

Strategic E-Sourcing, LLC,  
Nominal Defendant.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 12, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before September 7, 2010 for the November 2010 Term.

ENTER:

*Ella Iris Castro*

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 August 10, 2010.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-3404

Ind. No. 3710/07

Glenn Kindler,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 3, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated June 30, 2010, and due deliberation having been had thereon,

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

ENTER:

*Eva Iris Castro*

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 August 10, 2010.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-3397

Ind. No. 2804/08

Jose Delgado,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 7, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated April 30, 2010, and due deliberation having been had thereon,

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

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

PRESENT - Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3370  
Ind. No. 235/00

Chris Green,  
Defendant-Appellant.

-----X

An order of this Court having been entered on February 10, 2009 (M-142), deeming defendant's notice of appeal as timely filed, granting defendant leave to prosecute the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 2, 2008, as a poor person, for assignment of counsel and related relief,

And defendant-appellant having moved for an order to expand the record,

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:

*Elva Iris Castro*

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 August 10, 2010.

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

-----X

Lucia Giraldi,  
Plaintiff,

-against-

M-3365  
Ind. No. 302379/08

New York City Department of Education,  
Defendant.

-----X

Plaintiff having moved pro se for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about May 21, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for an enlargement of time in which to perfect said appeal, and for related relief,

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

It is ordered that the motion for poor person relief is denied, with leave to renew upon plaintiff's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that plaintiff has no funds or assets with which to prosecute the appeal, including the amount and sources of her income and listing her property with its value. So much of the motion seeking an enlargement of time in which to perfect the appeal is granted to the extent of enlarging the time in which to perfect said appeal to on or before October 4, 2010 for the December 2010 Term.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

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

-----X

The Bank of New York Mellon,  
Plaintiff-Appellant,

-against-

M-3309  
Index No. 111251/08

Cobblestone Estates, Inc., 380  
Nassau LLC, Stoneridge Organization,  
Inc., The Spencer Group, LLC,  
Housescapescapes Ltd., Sheridan Gardens,  
Inc., Gary Marcus and Ranjan Batheja,  
Defendants-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of  
time in which to perfect the appeal from the order of the Supreme  
Court, New York County, entered on or about August 19, 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  
January 2011 Term.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

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

-----X  
Joan Officer and David Officer,  
Plaintiffs-Respondents,

-against-

M-3308  
Index No. 150415/07

450 Park LLC, Taconic Investment  
Partners LLC,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 24, 2009 (mot. seq. no. 003),

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

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

ENTER:

*Ella Iris Castro*

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 August 10, 2010.

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

-----X  
Martin Padilla, et al.,

Plaintiffs-Respondents,

-against-

M-3250  
Index No. 116758/05

Ramon Morel, et al.,

Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated June 8, 2010, and due deliberation having been had thereon,

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

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Diane T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X

The People of the State of New York,  
  
Respondent,

-against- M-3235  
Ind. No. 4568/09  
Guillermo Cisneros,  
  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 5, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:

*Elba Iris Castro*

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 August 10, 2010.

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

-----X

1286 RR Operating, Inc.,

Plaintiff-Appellant,

-against-

M-3223X

Index No. 600218/08

Herald Towers, LLC,

Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 17, 2009 (mot. seq. nos. 004, 005, 006, 007),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 21, 2010, and due deliberation having been had thereon,

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

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X

Regina Parks,  
Plaintiff-Respondent,

-against-

**M-3217**

**M-3264**

Metropolitan Transportation  
Authority, et al.,  
Defendants-Appellants,

Index No. 300633/09

-and-

The City of New York,  
Defendant.

-----X

Appeals having been taken from the order of the Supreme Court, Bronx County, entered on or about August 10, 2010,

And defendants having jointly moved for an enlargement of time in which to perfect their respective appeals (M-3217),

And plaintiff having cross-moved to dismiss said appeals (M-3264),

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 appeals are dismissed.

ENTER:

*Elba Iris Castro*

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 August 10, 2010.

Present: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Diane T. Renwick  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3203  
Ind. No. 5329/02

Elias McFarland,  
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 (Daniel Conviser, J.) entered on or about June 8, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Conviser as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time in which to perfect the appeal is enlarged to the December 2010 Term.

ENTER:

*Eva Iris Castro*

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 August 10, 2010.

Present - Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Diane T. Renwick  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3200  
Ind. No. 6265/07

Darren Bracey,  
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 March 23, 2010, 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.

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:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----x

American Safety Indemnity Company,  
Plaintiff,

M-3192

-against-

Index No. 600347/04

612 Realty LLC, et al.,  
Defendants-Respondents.

- - - - -

612 Realty LLC,  
Third-Party Plaintiff-Respondent,

-against-

Index No. 590055/07

Zurich Specialties London, Ltd., et al.,  
Third-Party Defendants,

Virginia Surety Company, Inc.,  
Third-Party Defendant-Appellant.

-----x

Third-party defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 19, 2009 (mot. seq. no. 005),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before September 7, 2010 for the November 2010 Term.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Diane T. Renwick  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3191  
Ind. No. 3997/09

Eduardo Marte,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 6, 2010, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Diane T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-3190  
Ind. No. 3631/09

Rodney Capers,  
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 December 3, 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 notice of appeal as timely filed.

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, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value, the nature of the action and factual recitation demonstrating showing the merits of the contentions.

ENTER:

*Ella Iris Castro*

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 August 10, 2010.

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

-----X  
David G.,  
Plaintiff-Appellant,

-against-

M-3179  
Index No. 302759/03

Rachel G.,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 22, 2009 (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 on or before October 4, 2010 for the December 2010 Term.

ENTER:

*Elba Iris Castro*

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 August 10, 2010.

PRESENT: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sallie Manzanet Daniels, Justices.

-----X  
409-411 Sixth Street, LLC,  
Petitioner-Landlord-Respondent,

-against-

M-3151  
Index No. 570068/09

Masako Mogi,  
Respondent-Tenant-Appellant,

"John Doe" and "Jane Doe",  
Respondents-Undertenants.

-----X

Respondent-tenant-appellant Masako Mogi having moved for leave to appeal from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 31, 2010, and for a stay of eviction pending hearing and determination of said 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. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court.

ENTER:

*Elva Iris Castro*  
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 August 10, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,  
  
Respondent,

-against-

M-3144  
Ind. No. 6084N/08

Derrick Moultrie, also known as Derrick Moultric,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 25, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

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

-----X

Urel Sinclair,

Plaintiff-Respondent,

-against-

M-3111X  
Index No. 4932/06

Joy B. Sinclair,

Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 18, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 14, 2010, and due deliberation having been had thereon,

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

ENTER:

*Eva Iris Castro*

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 August 10, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3110

Case No. 10590C/05

Gerard Jenkins,

Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 25, 2008, 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 a statement of specific issues to be raised on the appeal. Sua sponte, the appeal is adjourned to the December 2010 Term.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X  
Southbridge Towers Inc.,  
Petitioner-Landlord-Respondent,

-against-

M-3097  
Index No. 570757/08

Jodi Pion, also known as Jodi Drucker,  
Robert Drucker and Arthur L. Pion,  
Respondents-Tenants-Appellants,

-and-

"John Doe" and "Jane Doe",  
Respondents.

-----X

Respondents-appellants Jodi Pion, also known as Jodi Drucker, Robert Drucker and Arthur L. Pion having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about October 22, 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:

*Eva Iris Castro*

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 August 10, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X  
Joy Correge,  
Plaintiff-Appellant-Respondent,

-against-

M-3071A  
M-3220

500 Fifth Avenue, Inc., formerly known  
as 1472 Broadway, Inc., et al.,  
Defendants-Respondents-Appellants,

Index No. 114166/08

Excel Security Corp.,  
Defendant-Respondent-Respondent.

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

-----X  
  
An appeal and cross appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about September 2, 2009,

And plaintiff-appellant (M-3071) and defendant/third-party plaintiff 500 Fifth Avenue, Inc., formerly known as 1472 Broadway, Inc. (M-3220) having separately moved for an enlargement of time in which to perfect their respective appeal and cross appeal,

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

It is ordered that the motions are granted to the extent of enlarging the time in which to perfect the respective appeal and cross appeal to the December 2010 Term. The order of this Court entered on July 20, 2010 (M-3071) is hereby recalled and vacated.

ENTER:

*Eva Iris Castro*

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 August 10, 2010.

Present - Hon. Richard T. Andrias,                      Justice Presiding,  
   David B. Saxe  
   John W. Sweeny, Jr.  
   James M. McGuire  
   Rolando T. Acosta,                      Justices.

-----x  
Janet Boyle,  
                 Plaintiff-Respondent,

                 -against-

Brooks Shopping Center, LLC,  
                 Defendant-Appellant,

M-3034  
Index No. 306269/08

Macy's, Inc., et al.,  
                 Defendants.  
-----x

Defendant-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 July 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 December  
2010 Term.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----x  
Nancy Haseley,

Plaintiff-Appellant,

-against-

M-3019  
Index No. 115345/05

The City of New York, 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 August 13, 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 November 2010 Term.

ENTER:

*Ella Iris Castro*

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 August 10, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----x  
Aaron Seligson, et al.,

Plaintiffs-Appellants-Respondents,

-against-

M-3014  
Index No. 601608/99

Albert Russo, et al.,

Defendants-Respondents-Appellants.

-----x

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 13, 2009,

And the parties having jointly moved for an enlargement of time in which to perfect the appeal and cross appeal,

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

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

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Luis A. Gonzalez,                      Presiding Justice  
                 Peter Tom  
                 John W. Sweeny, Jr.  
                 James M. Catterson  
                 Diane T. Renwick,                      Justices.

-----X

The People of the State of New York,  
  
Respondent,

-against-

M-3011  
Ind. No. 5083/07

Dwayne Faulkner,  
  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 18, 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 pay the fee of trial counsel, Lawrence M. Fisher, Esq., and to post the \$3,500 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:

*Elba Iris Castro*

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 August 10, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Eugene Nardelli  
Rolando T. Acosta, Justices.

-----X  
The People of the State of New York  
ex rel. Gaetano D'Attore,  
Petitioner,

-against-

M-3007  
Ind. No. 593/09

Juan Quinonez, Warden, Otis Bantum  
Correctional Center, Rikers Island  
Correctional Facility,  
Respondent.

-----X

Petitioner having moved for leave to prosecute, as a poor  
person, the appeal taken from purported appeal(s) from the orders  
of the Supreme Court, Bronx County, rendered on or about March 2,  
2010 and March 25, 2010, by an Article 78 proceeding, 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 *sua sponte* the appeal is dismissed  
without prejudice to petitioner addressing the issue on a direct  
appeal from the judgment rendered upon conviction after bench  
trial on or about May 26, 2010.

ENTER:

*Ella Iris Castro*

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 August 10, 2010.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X  
In the Matter of

William Jamal W., Jr.,

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

**M-2978**  
Docket No. B17385/09

- - - - -  
Edwin Gould Services for Children  
and Families, et al.,  
Petitioners-Respondents,

Malorie C.,  
Respondent-Appellant.

- - - - -  
Kao Pin Lew, Esq.,  
Law Guardian for the Child.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about April 22, 2010, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth M. Tuccillo, Esq., 385



Warburton Avenue, Hastings on Hudson, NY 10706, Telephone No. (914) 439-4843, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available 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:

*Elba Iris Castro*

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 August 10, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----x

Christopher Chunn,  
Plaintiff-Respondent,

-against-

M-2976

M-3093

New York City Housing Authority,  
Defendant-Appellant-Respondent,

Index No. 116764/06

-and-

American Security Systems, Inc.,  
Defendant-Respondent-Appellant.

-----x

New York City Housing Authority,  
Third-Party Plaintiff-Appellant-Respondent,

Third Party

-against-

Index No. 590332/07

American Security Systems, Inc.,  
Third-Party Defendant-Respondent-Appellant.

-----x

New York City Housing Authority,  
Second Third-Party Plaintiff-  
Appellant-Respondent,

-against-

Second Third Party

Index No. 590870/07

National Casualty Company and  
Scottsdale Insurance Company,  
Second Third-Party Defendants.

-----x

Appeals having been taken to this Court by defendant/third-party plaintiff/second third-party plaintiff-appellant New York City Housing Authority from the judgment and order (one paper) of the Supreme Court, New York County, entered on or about September 2, 2009 (mot. seq. Nos. 5, 7) and an order of said court and justice, entered April 29, 2010, respectively,

And defendant/third-party defendant American Security Systems, Inc. having taken a cross appeal from the aforesaid judgment and order entered on or about September 2, 2009 (mot. seq. nos. 5, 7),

And defendant/third-party plaintiff New York City Housing Authority having moved (M-2976) for consolidation of the aforesaid appeals and for an enlargement of time in which to perfect same,

And third-party defendant American Security Systems, Inc. having moved (M-3093) for an enlargement of time in which to perfect its appeal,

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

It is ordered that the motion is granted to the extent of consolidating the appeal and cross appeal from the judgment and order (one paper) entered on or about September 2, 2009 and the appeal from the order entered on or about April 29, 2010 and enlarging the time in which to perfect the consolidated appeals and cross appeal to on or before September 7, 2010 for the November 2010 Term. The attention of the parties is directed to Rule 600.11 (d) of this Court with respect to a joint record and costs thereof.

ENTER:

A handwritten signature in black ink, reading "Elba Iris Castro". The signature is written in a cursive, flowing style.

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 August 10, 2010.

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

-----X

DOLP 675 Properties II, LLC,

Plaintiff-Appellant,

-against-

M-2953X

Index No. 600953/09

Barai Capital LLC,

Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 16, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 2, 2010, and due deliberation having been had thereon,

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

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

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

-----X

575 First Ave. Corp.,

Plaintiff-Appellant-Respondent,

-against-

M-2926X

Index No. 109295/09

The Board of Managers of the Kips  
Bay Towers Condominium, etc., et al.,

Defendants-Respondents-Appellants.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 4, 2010 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 26, 2010, and due deliberation having been had thereon,

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

ENTER:

*Elba Iris Castro*

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 August 10, 2010.

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

-----X

Anthony Echeverria, et al.,

Plaintiffs-Respondents,

-against-

M-2925X  
Index No. 580/06

Angel Ruiz, et al.,

Defendants-Appellants.

- - - - -

[And a third-party action]

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 21, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 27, 2010, and due deliberation having been had thereon,

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

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Diane T. Renwick  
Helen E. Freedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----x

In the Matter of the Application for  
the Custody and Guardianship of

Aniya M., also known as Baby Girl R.,

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

- - - - -  
Catholic Guardian Society and Home  
Bureau,  
Petitioner-Respondent,

M-2873  
Docket No. B-14322/06

Pedro M.,  
Respondent-Appellant.

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

-----x

Petitioner-respondent agency having moved for dismissal of the appeal from the order of the Family Court, New York County, entered on or about October 2, 2008, for failure to timely prosecute,

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:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
David Friedman  
Eugene Nardelli  
Rolando T. Acosta, Justices.

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

-against-

M-2849  
Ind. No. 1723/09

Donald Pearson,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about March 23, 2010, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

*Ella Iris Castro*

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 August 10, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-2831  
Ind. No. 7982/00

Alma Crawford,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, entered on or about June 2, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

-----x  
Humberto Abenoza,

Plaintiff-Appellant,

-against-

M-2814  
Index No. 113631/04

Wahid Sharaf & Isabel Fraser Sewell,  
as Executors of the Estate of  
Siyad Sharaf,

Defendants-Respondents.  
-----x

Defendants-respondents having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, entered on or about August 19, 2009, for failure to timely prosecute,

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:

*Elva Iris Castro*

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 August 10, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. McGuire  
Karla Moskowitz  
Leland G. DeGrasse, Justices.

-----X

Roberta Schreiber Ulmer,  
Plaintiff-Appellant,

-against-

M-2801  
Index No. 024388/88

Rosalie F. Winard, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant Roberta Schreiber Ulmer having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 15, 2010 (Appeal No. 2545/2545A),

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:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Peter Tom,	Justice Presiding,
John W. Sweeny, Jr.	
James M. Catterson	
James M. McGuire	
Nelson S. Román,	Justices.

-----x  
PT Kertas Nusantara, etc.,

Petitioner-Appellant,

-against-

Ekman & Co., A.B.,

M-2800  
Index No. 603190/09

Respondent-Respondent.  
-----x

Respondent-respondent having moved for dismissal of the  
appeal from the order of the Supreme Court, New York County,  
entered on or about March 10, 2010, for failure to timely file a  
record on appeal,

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

It is ordered that the motion is denied.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----x

In the Matter of the Application for  
the Custody and Guardianship of

Lambrid Shepherd C., and  
Creadora Creencia S.,

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

M-2799

Docket Nos. B-11274-75/06

-----  
Catholic Guardian Society and Home  
Bureau,  
Petitioner-Respondent,

Cindy A. C.,  
Respondent-Appellant.

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

-----x

Petitioner-respondent agency having moved for dismissal of the appeal from the order of the Family Court, New York County, entered on or about March 12, 2009, for failure to timely prosecute,

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:

*Elva Iris Castro*

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 August 10, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
David Friedman  
Eugene Nardelli  
Rolando T. Acosta, Justices.

-----X  
Rita Leibert,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-2784  
Index No. 100509/09

State of New York Office of Children  
and Family Services; New York City  
Administration for Children's Services;  
Children's Aid Society; John Udochi,  
Bureau of Special Hearings,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 19, 2009 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before October 4, 2010 for the December 2010 Term.

ENTER:

*Elba Iris Castro*

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 August 10, 2010.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

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

-against-

**M-2782**  
Ind. No. 277/08

David Price,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about May 5, 2010, 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 **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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:

*Ella Iris Castro*

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 August 10, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
Eugene Nardelli  
James M. Catterson, Justices.

-----x  
Dian R. Friedman,

Plaintiff-Appellant,

-against-

M-2766  
Index No. 105487/03

Lawrence Reed, M.D.,

Defendant-Respondent.  
-----x

Defendant-respondent having moved for dismissal of the appeal from the judgment of the Supreme Court, New York County, entered on or about July 20, 2009 for, inter alia, failure to timely prosecute,

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, without prejudice to further proceedings in Supreme Court.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
David Friedman  
James M. McGuire  
Rolando T. Acosta  
Nelson S. Román, Justices.

-----x

In the Matter of the Application for  
the Custody and Guardianship of

Anastasia Linda H.,

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

- - - - -  
The Children's Aid Society, et al., M-2660  
Petitioners-Respondents, Docket No. B-4284/08

William H.,  
Respondent-Appellant.

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

-----x

Petitioner-respondent agency having moved for dismissal of the appeal from the order of the Family Court, New York County, entered on or about May 21, 2009, for failure to prosecute,

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:

*Elba Iris Castro*

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 August 10, 2010.

Present - Hon. Richard T. Andrias,                      Justice Presiding,  
                 David B. Saxe  
                 John W. Sweeny, Jr.  
                 James M. McGuire  
                 Rolando T. Acosta,                      Justices.

-----x  
Morris Park Nursing and Rehab Center,  
LLC, doing business as Morris Park  
Nursing Home,  
                 Plaintiff-Appellant,

-against-

M-2656  
Index No. 303868/07

Michael Paparesta,  
                 Defendant-Respondent.  
-----x

Plaintiff-appellant having moved for an enlargement of time  
in which to perfect the appeal from the order of the Supreme  
Court, Bronx County, entered on or about June 8, 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 on or before  
September 7, 2010 for the November 2010 Term.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Dianne T. Renwick  
Helen E. Freedman  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----x  
Susan Thrope and B. Michael Thrope,  
etc., et al.,  
Plaintiffs-Appellants,

-against-

M-2592  
Index No. 103917/04

Plaza 400 Owners Corp.,  
Defendant-Respondent.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 8, 2010,

And defendant-respondent having moved for dismissal of the aforesaid appeal for failure to timely file a record on 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 unless the appeal is perfected for the January 2011 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon appellant(s) within 10 days after the date of entry hereof.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Peter Tom, Justice Presiding,  
Eugene Nardelli  
Diane T. Renwick  
Helen E. Freedman  
Nelson S. Román, Justices.

-----X

Manuel Mata,  
Plaintiff-Appellant,

-against-

The Park Here Garage Corp., et al.,  
Defendants-Respondents.

- - - - -

The Park Here Garage Corp.,  
Third-Party Plaintiff-Respondent,

M-2537  
Index Nos. 23055/03  
84118/04  
84730/05

-against-

Jonathan & Gabrielle Parking Inc.,  
Third-Party Defendant-Respondent.

- - - - -

[And a Second Third-Party Action]

-----X

Defendant/third-party plaintiff/second third-party plaintiff Jonathan & Gabrielle Parking Inc. having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 4, 2010 (Appeal No. 1674),

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:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Luis A. Gonzalez,	Presiding Justice,
Angela M. Mazzairelli	
Eugene Nardelli	
Rolando T. Acosta	
Sheila Abdus-Salaam,	Justices.

-----X

Antoni Wilinski, et al.,

Plaintiffs-Respondents,

-against-

M-2417

Index No. 117632/05

334 East 92<sup>nd</sup> Housing Development Fund  
Corp., et al.,

Defendants-Appellants.

-----X

Plaintiffs-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order entered on March 23, 2010 (Appeal No. 2232),

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

It is ordered that the motion, to the extent it seeks reargument, is denied. The motion, to the extent it seeks leave to appeal to the Court of Appeals, 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, which modified the order of the 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:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. McGuire  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----x

Virginia B. Briggs,  
Plaintiff-Appellant,

-against-

M-2334

M-2543

Index No. 111364/04

Insignia Residential Group, et al.,  
Defendants-Respondents.

-----x

Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about November 26, 2007 (mot. seq. nos. 002, 003, respectively),

And plaintiff-appellant having moved for leave to prosecute the appeals as a poor person, for an enlargement of time in which to perfect the appeals, and for related relief (M-2334),

And defendants-respondents having cross-moved for dismissal of the aforesaid appeals for failure to timely prosecute (M-2543),

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

It is ordered that the motion (M-2334) is denied, the cross motion (M-2543) is granted and the appeals are dismissed.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

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

-----X  
Skip Funt,  
Plaintiff-Appellant,

-against-

M-2291  
Index No. 124501/01

Human Resources Administration  
of the City of New York,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 10, 2009 (Appeal No. 1711),

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:

*Elva Iris Castro*

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 August 10, 2010.

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

-----x  
Jau Associates LLC,

Plaintiff-Appellant,

-against-

James Gray, et al.,

Defendants-Respondents.  
-----x

M-2150  
Index No. 602791/09

Defendants-respondents having moved for dismissal of the appeal from the order of the Supreme Court, New York County, entered on or about January 6, 2010 (mot. seq. no. 001), for failure to timely file a record on 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 and the appeal is dismissed.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

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

-----x  
Isabella Shvets, individually and on  
behalf of Via Café, LLC and Victor  
Ivantechenko,  
Plaintiff-Respondent,

-against-

M-2109  
Index No. 603458/05

Andrei Lazarev,  
Defendant,

Alex Faynshetyn, et al.,  
Defendants-Appellants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 22, 2009 (mot. seq. no. 007)

And an order of this Court having been entered on February 23, 2010 (M-5785), inter alia, granting defendants-appellants a preliminary appellate injunction preventing the New York City Department of Finance from releasing to plaintiff a certain posted undertaking on condition the appeal be perfected for the June 2010 Term,

And defendants-appellants having moved for an enlargement of time in which to perfect the appeal,

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

It is ordered that the motion is denied and, sua sponte the appeal is dismissed. The stay of release of undertaking previously granted by the order of this Court entered on February 23, 2010 (M-5785), is hereby vacated.

ENTER:

*Ella Iris Castro*

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 August 10, 2010.

Present:	Hon. Luis A. Gonzalez,	Presiding Justice,
	David Friedman	
	Leland G. DeGrasse	
	Sallie Manzanet-Daniels	
	Nelson S. Román,	Justices.

-----X

In the Matter of

Octavia Loretta R.,	<b>M-1992</b>
also known as Octavia R.,	Docket No. B25567/07

-and-

Randy McN. Jr.,	<b>M-1993</b>
	Docket No. B25569/07

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

- - - - -  
Edwin Gould Services for Children  
and Families and the Commissioner of the  
Administration for Children's Services,  
Petitioners-Respondents,

Keisha W.,  
Respondent,

Randy McN. Sr.,  
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved by separate  
motions for leave to prosecute, as a poor person, the appeals  
taken from orders of the Family Court, Bronx County, both entered  
on or about January 22, 2010, and for assignment of counsel, a  
free copy of the transcript(s), and related relief,

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

Ordered that the motions are granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (603) 313-1951, as counsel for purposes of prosecuting the appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record(s) 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(s) from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record(s) upon receipt of this order** and; (4) directing appellant to perfect the appeals **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** (See M-1992A/M-1993A, decided simultaneously herewith.)

ENTER:



Deputy Clerk.

---

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

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 August 10, 2010.

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

-----x

The People of the State of New York,  
Respondent,

-against-

M-1724  
Ind. No. 701/99

Raymond Denson,  
Defendant-Appellant.

-----x

An order of this Court having been entered on August 19, 2008 (M-3550), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 18, 2002, and assigning Steven Banks, Esq., as counsel to prosecute the appeal,

And an order of this Court having been entered on November 6, 2008 (M-4681), granting defendant leave to prosecute his appeal from the order of the Supreme Court, New York County, entered on or about September 9, 2008, and assigning said counsel therefor,

And counsel for defendant-appellant, Steven Banks, Esq., having moved to be relieved as counsel and for the assignment of substitute counsel in connection with 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 the motion is granted to the extent of sua sponte consolidating the aforesaid appeals, striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute the consolidated appeals and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel.

The poor person relief previously granted is continued, and appellant's time in which to perfect the consolidated appeals is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

*Ella Iris Castro*

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 August 10, 2010.

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

-----X

John Davis, etc.,  
Plaintiff-Appellant,

-against-

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

M-1572  
Index No. 22690/01

Wilfredo Batista,  
Defendant.

-----X

Plaintiff-appellant 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 March 16,  
2010 (Appeal No. 2372),

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:

*Elba Iris Castro*

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 August 10, 2010.

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

-----X  
Register Internet, L.P., et al.,

Plaintiffs-Respondents,

-against-

**M-1264**

Index No. 600876/09

Hostway Services, Inc.,

Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 24, 2010 (mot. seq. no. 001),

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

It is ordered that the motion is denied, as moot.  
(See M-2258X, decided June 24, 2010).

ENTER:

*Eva Iris Castro*

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 August 10, 2010.

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

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

-against-

**M-1083**  
Ind. No. 666/07

Alfonzo Faulk,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 26, 2007,

And The Law Firm of Way & Associates, P.C., retained counsel for defendant-appellant, having moved to withdraw as counsel on the appeal and for an enlargement of time in which defendant may seek new counsel and to perfect said 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 permitting The Law Firm of Way & Associates, P.C., to withdraw as counsel on the appeal. The time in which defendant may perfect the appeal is enlarged to the January 2011 Term.

ENTER:

*Elva Iris Castro*  
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 August 10, 2010.

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

-----X

In the Matter of the Application of

Edward Parker,

Petitioner,

M-952

For a Judgment Pursuant to Article 78  
of the CPLR,

Ind. No. 1955/09

-against-

Hon. Renee A. White, Justice,  
Respondents.

-----X

Petitioner having moved for relief pursuant to CPLR Article 78 in the nature of mandamus, for an order directing the Honorable Renee A. White, Supreme Court, New York County, to reverse her decision and order dated on or about August 6, 2009, and to dismiss Indictment No. 1955/09 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 purported Article 78 petition is dismissed without prejudice to defendant raising the issue on an appeal from a final judgment of said Court.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----x  
Arnav Industries, Inc.,

Plaintiff-Appellant,

-against-

M-3645  
Index No. 602491/06

Jody Pitari,

Defendant-Respondent.  
-----x

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 31, 2009 (mot. seq. no. 001),

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

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

ENTER:

*Elba Iris Castro*

Deputy Clerk

PM ORDERS

ENTERED

AUGUST 3, 2010

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

BEFORE: Hon. Rolando T. Acosta  
Justice of the Appellate Division

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

M-3032  
Ind. No. 1053/00

-against-

CERTIFICATE  
GRANTING LEAVE

Felix Aponte,  
Defendant-Appellant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about May 12, 2010. Permission is also granted to appeal the order as a poor person and Steven Banks, Esq., is assigned as counsel on appeal. M-3032A decided simultaneously herewith.

Dated: June 30, 2010  
New York, New York

**ENTERED** AUG 03 2010



Hon. Rolando T. Acosta  
Associate Justice

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

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 August 3, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, Justices.

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

Respondent,  
-against-

M-3032A  
Ind. No. 1053/00

Felix Aponte,

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 May 12, 2010, 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.

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. (See M-3032, decided simultaneously herewith.)

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 3, 2010.

PRESENT - Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Application of  
John Whitfield,  
Petitioner-Appellant,

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

M-3653  
Index No. 110706/08

-against-

Patricia J. Bailey, FOIL Appeals Officer,  
individually and as a member of the New  
York County District Attorney's Office,  
Respondents-Respondents.

-----X  
Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about September 15, 2009 and on or about November 25, 2010, respectively,

And respondents having moved for an order, adjourning said appeals, presently calendared for the September 2010 Term, and for related relief,

Now, upon reading and filing the papers with respect to the motion and the notice of adjournment from the Office of the District Attorney, dated July 14, 2010, 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 August 10, 2010.

Present: Hon. David Friedman, Justice Presiding,  
James M. Catterson  
Karla Moskowitz  
Diane T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
Bonnie Schwartz,  
Plaintiff-Respondent,

-against-

**M-3378**

Index No. 109128/08

3350 BW 136, Inc.,  
Defendant-Appellant.

-----X

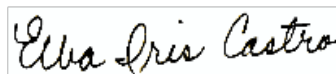
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 24, 2010 (mot. seq. no. 001),

And defendant-appellant having moved for an order staying the trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:



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 August 10, 2010.

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

-----X  
Lisa Riley and Kevin Riley,  
Plaintiff-Respondents,

-against-

M-3501  
Index No. 303097/08

Segan, Nemerov & Singer, P.C. and  
Segan, Culhane, Nemerov & Singer,  
P.C.,  
Defendants-Appellants.

-----X

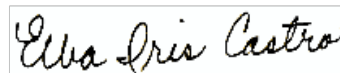
An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about September 29, 2008,

And a motion having been made by plaintiffs' counsel, Joseph M. Latino, Esq. to withdraw as counsel on appeal,

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

It is ordered that the motion is granted on condition that counsel serves a copy of this order upon all parties within 10 days of the date hereof and *sua sponte* the appeal is adjourned to the November 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 August 3, 2010.

Present - Hon. David Friedman,	Justice Presiding,
James M. Catterson	
Karla Moskowitz	
Dianne T. Renwick	
Sheila Abdus-Salaam,	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, M-3716

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),

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

An order of this Court having been entered simultaneously herewith on August 3, 2010 (M-3068), inter alia, enlarging the time of condemnor-appellant Metropolitan Transportation Authority's time in which to perfect its appeals from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 3, 2009 to on or before October 4, 2010 for the December 2010 Term 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),

And appellant having moved for consolidation of the above appeals, for leave to prosecute the appeals on one record and one set of appellants' points, 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 and the aforesaid perfected appeal and cross appeal in DRL Properties LLC (Block 79, Lot 16, Index No. 401188/08) is adjourned to said December 2010 Term, and the Clerk is directed to calendar the appeals for hearing together. (See M-3068, decided simultaneously herewith.)

ENTER:

A handwritten signature in black ink, appearing to read "David Apolony", written in a cursive style.

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 August 3, 2010.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta, 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, M-3068

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),

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 condemnor-appellant-respondent Metropolitan Transit Authority having moved for an enlargement of time in which to perfect its appeals from the aforesaid order,

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 December 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 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) which are consolidated, on or before October 4, 2010 for said December 2010 Term. (See M-3716, decided simultaneously herewith.)

ENTER:



Clerk.

PM ORDERS

ENTERED

AUGUST 10, 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 August 10, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
Jacob Ahroner,  
Plaintiff-Appellant-Respondent/  
Appellant,

-against-

M-3836  
Index No. 602192/03

Israel Discount Bank of New York,  
etc., et al.,

Defendants-Respondents-Appellants/  
Respondent.  
-----x

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 13, 2009 (mot. seq. nos. 017, 018),

And an appeal having been taken by plaintiff from the order of said Court entered on or about March 10, 2010 (mot. seq. no. 021),

And plaintiff having moved 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 the motion is granted, and the Clerk is directed to calendar the appeal and cross appeal and the appeal for hearing together in the September 2010 Term.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
Suzanne Dodson,  
Plaintiff-Respondent,

-against-

M-3640  
Index No. 350353/05

John Dodson,  
Defendant-Appellant.  
-----x

Separate appeals having been taken to this Court by defendant from the orders of the Supreme Court, New York County, entered on or about October 24, 2008 and May 5, 2009, respectively,

And plaintiff-respondent having moved for an order dismissing the aforesaid appeals, 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 to the extent of permitting respondent to file the brief and a supplemental appendix on or before August 18, 2010, with leave to appellant to file a reply brief on or before August 27, 2010, without prejudice to respondent addressing the issue on appeal. The motion is otherwise denied. Sua sponte, the Clerk is directed to calendar the appeals for hearing together in the first week of the September 2010 Term.

ENTER:

*Elba Iris Castro*

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 August 10, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x

Success, LLC, et al.,  
Plaintiffs-Respondents,

-against-

Stonehenge Capital Company, LLC, et al., M-3500  
Defendants-Appellants, Index No. 117138/06

Alan Brown, et al.,  
Defendants-Respondents,

John Doe, Inc., etc., et al.,  
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 23, 2010 (mot. seq. nos. 005, 006),

And defendant-appellant Stonehenge Capital Company, LLC having moved for leave to supplement the appendix on appeal to include a decision and order of said Court entered June 29, 2010,

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

It is ordered that the motion is granted, without prejudice to respondent(s) addressing the issue on appeal.

ENTER:

*Ella Iris Castro*

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 August 10, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
Sheila Leffler, et al.,

Plaintiffs-Appellants,

-against-

M-3747  
Index No. 6458/03

Michael Feld, M.D.,

Defendant-Respondent.  
-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, entered on or about February 23, 2009,

And defendant-respondent having moved for an order striking plaintiffs-appellants' appendix for failure to include all material relevant to the appeal and for dismissal of said appeal 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 denied. Sua sponte, defendant-respondent is directed to file the responding brief for the October 2010 Term, with leave to respondent to file a supplemental appendix, if so advised.

ENTER:

*Eva Iris Castro*

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 August 10, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
Trayvon Ward, an infant by his Natural  
Guardian, Troy Ward and Troy Ward,  
Individually,

Plaintiffs-Appellants,

-against-

M-3631  
Index No. 15810/05

New York City Health & Hospitals  
Corporation,

Defendant-Respondent.  
-----x

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 8, 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 the time in which to perfect the appeal to on or before September 7, 2010 for the November 2010 Term.

ENTER:

*Elva Iris Castro*

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 August 10, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
Skilled Investors Inc.,

Plaintiff-Appellant-Respondent,

-against-

Weiser LLP,

Defendant-Respondent-Appellant.  
-----x

M-3749  
Index No. 601326/08

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

And defendant-respondent-appellant having moved for an order enlarging the record on 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, without prejudice to raising arguments on the appeal.

ENTER:

*Eva Iris Castro*

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 August 10, 2010.

Present - Hon. Leland G. DeGrasse, Justice Presiding,  
Helen E. Freedman  
Rosalyn H. Richter  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
Casa De Meadows Inc. (Cayman Islands),  
et al.,  
Plaintiffs-Respondents,

-against-

M-3745  
Index No. 601685/07

Faith F. Zaman, et al.,  
Defendants-Appellants.

- - - - -  
[And a third-party action]

-----x  
Appeals having been taken to this Court from the orders of the Supreme Court, New York County, entered on or about May 3, 2010 (mot. seq. no. 033), June 15, 2010 (mot. seq. nos. 010, 012, 013, 026) and June 30, 2010, respectively, and said appeals having been perfected,

And plaintiffs-respondents having moved for adjournment of the aforesaid appeals, and for other relief,

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

It is ordered that the motion is granted to the extent of continuing the interim relief granted by the order of a Justice of this Court dated July 22, 2010, and the Clerk is directed to calendar the appeals for hearing together on September 7 or 8, 2010. The motion is otherwise denied, without prejudice to submission of a supplemental or respondents' appendix filed simultaneously with the respondents' brief.

ENTER:

*Eva Iris Castro*

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 August 10, 2010.

Present - Hon. Leland G. DeGrasse,	Justice Presiding,
Helen E. Freedman	
Rosalyn H. Richter	
Sallie Manzanet-Daniels	
Nelson S. Román,	Justices.

-----x

Joshua Hannah, an infant under the age  
of 14 years by his mother and natural  
guardian Dionne Jackson,  
Plaintiff-Appellant,

M-3016  
Index No. 6286/04

-against-

Gail Chorney, M.D., et al.,  
Defendants-Respondents.

-----x

Defendants-respondents having moved for an order dismissing plaintiff's appeal from the order of the Supreme Court, New York County, entered on or about April 30, 2009, 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, without prejudice to addressing the issue on the appeal. Sua sponte, the appeal is adjourned to the November 2010 Term.

ENTER:

*Ella Iris Castro*

Deputy Clerk