

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John T. Buckley
Rolando T. Acosta, Justices.

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

-against-

Pedro Bridgewater, also known as
Anthony Nunez,
Defendant-Appellant.

M-4323
Ind. Nos. 2562/93
2950/93

-----X

A decision and order of this Court having been entered on September 25, 1997 (Appeal No. 61491), unanimously affirming a judgment of the Supreme Court, Bronx County (Barrett, J.), rendered on November 23, 1994,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Barbara Barrios,
Plaintiff-Respondent,

-against-

M-3965
Index No. 23575/04

Boston Properties LLC, JT Magen
Construction Company, Inc. and
JT Magen & Co., Inc., Manatt
Phelps & Phillips, LLP,
Defendants-Appellants.

-----X
And a third-party action
-----X

Defendants-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 September 25, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Richard T. Andrias
Eugene Nardelli
Rosalyn H. Richter, Justices.

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

-against-

M-4985
Ind. No. 486N/09

Larry Davis,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 24, 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 the amount and sources of funds to pay the fee of trial counsel, William T. Martin, Esq., and to post the \$50,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Richard T. Andrias
Eugene Nardelli
Roselyn H. Richter, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-4986
Ind. No. 4955/08

Edward DeLacruz,
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 September 14, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is 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 post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
Richard T. Andrias
Eugene Nardelli
Rosalyn H. Richter, Justices.

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

-against-

M-4993
Ind. No. 1581/09

Herbert Henriquez,
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 April 20, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Richard T. Andrias
Eugene Nardelli
Rosalyn H. Richter, Justices.

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

-against-

M-5000
Ind. No. 2731/09

Paul V. Morton, Jr.,
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 September 2, 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, the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Richard T. Andrias
Eugene Nardelli
Rosalyn H. Richter, Justices.

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

-against-

Wilfredo Rosario,
Defendant-Appellant.

M-5008
Ind. Nos. 1830/08
5282/08

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 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, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Richard T. Andrias
Eugene Nardelli
Roselyn H. Richter, Justices.

-----X
Richard DeSilva, Jr., et al., M-4873
Plaintiffs-Appellants,

-against- Action No. 1
Index No. 108951/04

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

Plot Realty LLC, et al.,
Plaintiffs-Respondents,

-against- Action No. 2
Index No. 601976/06

Richard DeSilva, Jr., et al.,
Defendants-Appellants.

Liberty Mutual Property, etc.,
Plaintiff-Respondent,

-against- Action No. 3
Index No. 42983/05

Nathanson Consulting Corp., et al.,
Defendants-Respondents.
-----X

Separate appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 18, 2010 (Action No. 1/Index No. 108951/04) and from the order of said Court entered on or about February 4, 2010 (Action No. 2/Index No. 601976/06), respectively,

And appellants having moved for an enlargement of time in which to perfect said appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals to the April 2011 Term. The stay of trial previously granted by order (M-3564) of this Court entered on August 24, 2010, is continued on the same terms and conditions.

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 November 30, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Richard T. Andrias
Eugene Nardelli
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

Ray Tavarez,

Defendant-Appellant.
-----X

M-5051
Ind. Nos. 1824/00
5241/99
5261/99

Respondent People having moved to dismiss defendant's appeal taken from the order of the Supreme Court, Bronx County, entered on or about March 16, 2010, **denying resentence**, by reason of defendant's deportation,

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 appeal withdrawn.

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 November 30, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Eugene Nardelli
James M. McGuire
Sheila Abdus-Salaam, Justices.

-----X
Aaron Elkin,

Plaintiff-Appellant,

-against-

M-4679
Index No. 105411/08

Andrea Labis,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an order consolidating the appeals taken from the order of the Supreme Court, New York County, entered on or about November 16, 2009 and from the judgment of said Court entered on or about January 22, 2010, enlarging the time in which to perfect said consolidated appeals, and permitting Carol A. Gart, Esq., and Adorno & Yoss, LLP, to withdraw as appellate counsel for plaintiff-appellant,

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

It is ordered that the motion is granted to the extent of permitting plaintiff-appellant to prosecute the consolidated appeals upon 10 copies of one record and one set of appellant's points covering the appeals, and the time in which to perfect said consolidated appeals is enlarged to the May 2011 Term. So much of the motion in which Carol A. Gart, Esq. and Adorno & Yoss, LLP, seek to withdraw as appellate counsel for plaintiff-appellant is granted.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Eugene Nardelli
James M. McGuire
Sheila Abdus-Salaam, Justices.

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

-against-

M-4612
Ind. No. 3732/07

Rodney Davis,
Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about March 6, 2009,

And Richard M. Greenberg, Esq., assigned counsel for defendant-appellant, having moved for an order directing the transcription of the following pre-trial minutes in connection with the aforesaid appeal held in Part 72 before Justice Rena K. Uviller: January 23, 2008, February 28, 2008, March 17, 2008, March 27, 2008, May 7, 2008, June 11, 2008, September 24, 2008 and October 17, 2008,

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

Ordered that the motion is granted and the Clerk of Supreme Court, New York County, is directed to have transcribed and provided to defendant's counsel the aforesaid minutes for inclusion in the record on appeal, with 30 days from the date of service upon said Clerk of a copy of this order, which defendant's counsel is directed to service upon said Clerk with 10 days from the date of entry hereof.

If the aforesaid minutes cannot be found, the Clerk is directed to submit an affirmation that states said minutes do not exist.

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 November 30, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Rolando T. Acosta
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Nuevo El Barrio Rehabilitacion de
Vivienda Y Economia, Inc.,
Plaintiff-Respondent-Appellant,

-against-

M-4363
Index No. 602698/06

Moreight Realty Corp., et al.,
Defendants-Appellants-Respondents.
-----X

Defendants having moved for an enlargement of time in which to perfect the appeal and cross appeal from the order of the Supreme Court, New York County, entered on or about November 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 and cross appeal to the April 2011 Term.

ENTER:


CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Eugene Nardelli
James M. McGuire
Sheila Abdus-Salaam, Justices.

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

Sakara Dream G.,
Petitioner,

-against-

M-4729
Docket Nos. V5924/06K
V7821/06G
O5926/06

Melissa Marie G.,
Respondent.

-----X

Petitioner having moved for leave to prosecute, as a poor person, the purported appeals from orders of the Family Court, New York County, entered on or about August 9, 2010, and on or about September 7, 2010, respectively, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is 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 November 30, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
Eugene Nardelli
Rosalyn H. Richter
Nelson S. Román, Justices.

-----X
Bobby Jones,
Plaintiff-Respondent,

-against-

M-4685
Index No. 108629/08

Pinnacle Dunbar Manor, LLC,
Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 27, 2010,

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before February 22, 2011 for the May 2011 Term. Upon failure to so perfect plaintiff-respondent may move on notice for an order vacating the stay.

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 November 30, 2010.

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

-----X
The People of the State of New York
ex rel. Isaac Hudson,
Petitioner,

-against-

M-4655
Index No. 340726/09

Warden, Rikers Island Correctional
Center and New York State Division
of Parole,
Respondents.

-----X

By an undated notice of appeal received in this Court on March 2, 2010, petitioner appeals the order of the Supreme Court, Bronx County, entered on or about November 18, 2009, which dismissed a habeas corpus proceeding,

And an order of this Court having been entered on June 10, 2010 (M-2130), denying petitioner poor person relief and the assignment of counsel, with leave to renew upon certain conditions,

And petitioner having renewed his motion for leave to have the aforesaid purported appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is denied with leave to renew upon the submission of an affirmation from the Office of the Appellate Defender, assigned to represent petitioner upon his appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about May 18, 2010, addressing whether petitioner's appeal from the denial of habeas corpus relief has been rendered academic.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

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

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

-against-

M-4519
Ind. No. 2927/09

Anthony Powelette,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 16, 2010, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files reproduced copies of such brief, together with the original record, pursuant to Rule 600.11(b)(2) of the Rules of this Court.

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

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

ENTER:


CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on November 30, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Rolando T. Acosta
Leland G. DeGrasse, Justices.

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

-against-

M-5025
Ind. No. 1095/09

Michael Atkins,
Defendant-Appellant.

-----X

An order of this Court having been entered on January 5, 2010 (M-5456), inter alia, assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, New York County, rendered on or about September 16, 2009,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, 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, Tel. No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 November 30, 2010.

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

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

-against-

M-4645
Ind. No. 4567/07

Christopher Perino,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on August 17, 2010 (Appeal No. 3122),

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Rolando T. Acosta
Leland G. DeGrasse, Justices.

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

Stephanie Zeleny Carrion,
Petitioner-Appellant,

For a Judgment, etc.,

M-4835
M-5250
Index No. 402524/09

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about July 30, 2010,

And respondent-respondent having moved to dismiss the aforesaid appeal (M-4835),

And petitioner-appellant having moved for leave to prosecute the aforesaid appeal as a poor person, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief (M-5250),

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

It is ordered that respondent's motion is granted and the appeal is dismissed (M-4835). Petitioner's motion for poor person relief is denied, as academic (M-5250).

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 November 30, 2010.

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

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

-against-

M-4524
Ind. No. 2296/06

James Lattimore,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 12, 2007, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, to proceed pro se on 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 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, Manuel A. Sanchez, Jr. Esq., and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant).

Enter:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

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

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

-against-

Wilton Wongshing,
Defendant-Appellant.

M-3170
Ind. Nos. 6815/94
13007/93

-----X

A decision and order of this Court having been entered on December 18, 1997 (Appeal No. 62451), unanimously affirming a judgment of the Supreme Court, New York County (Jay Gold, J.), rendered on May 31, 1995,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application is denied.

ENTER:


CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Leland G. Degrasse, Justices.

-----X
Lorraine Klein and Harold Klein,
Plaintiff-Respondents,

-against-

M-4787
Index No. 111130/06

The Board of Managers of 420 Fifth Avenue Condominium, etc., et al.,
Defendants,

Harvard Maintenance,
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 December 21, 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 the April 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. Degrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-4957
Ind. No. 1834/09

Kevin King,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 8, 2010 (M-871) assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about January 12, 2010; and a motion having been made to relieve such counsel, and for other relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-4936
Ind. No. 6933/04

Lesley Hercules,
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 February 15, 2005, 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 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 November 30, 2010.

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

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

M-1199A

M-1416A

Basil D.,
Petitioner-Appellant,

Docket No. 030212/08

-against-

Wanda D.,
Respondent-Respondent.

-----X
An appeal having been taken from the order of the Family Court, Bronx County, entered on or about February 18, 2009, and said appeal having been perfected,

And respondent-respondent having moved by separate motions for an adjournment of the aforesaid appeal (M-1199A), and for leave to respond as a poor person to said appeal, for the assignment of counsel, a free copy of the transcript, and for related relief (M-1416A),

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

It is ordered that the respondent's motion for an adjournment of the appeal (M-1199A) is granted to the extent of adjourning the appeal to the April 2011 Term. Respondent's motion for poor person relief (M-1416A) is granted to the extent of (1) assigning, pursuant to Article 18B of the County Law and § 1120 of the Family Court Act, Lisa H. Blitman, Esq., 225 Broadway, Suite 1203, New York, New York 10007, Telephone No. 212-724-2792, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the appellant and 10 copies thereof are filed with this Court. The order of this Court entered April 15, 2010 (M-1199/M-1416) is hereby recalled and vacated.

ENTER:


CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Leland G. Degrasse, Justices.

-----X
Berkeley Educational Services of
New Jersey, Inc, et al.,
Petitioners-Respondents,

-against-

M-4699
Index No. 104010/10

C C Vending, Inc.,
Respondent-Appellant.
-----X

Respondent-appellant having moved for a stay of the order in the above-entitled action and for related relief, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 5, 2010,

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

It is ordered that the motion is denied.

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 November 30, 2010.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Leland G. Degrasse
Sallie Manzanet-Daniels, Justices.

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

Respondent,

-against-

Ronald Shanks,

M-4338
Ind. No. 3256/07

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 September 23, 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 post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta
Nelson S. Román, Justices.

-----X
In the Matter of

Henry Sanders,

An Incapacitated Person.

P. Gregory Hess, As Executor of the
Estate of Henry Sanders,
Executor-Respondent,

M-4485
Index No. 91775/04

Sandra M. Prowley,
Co-Guardian/Appellant.

-----X
An appeal having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about February 10, 2009, May 4, 2009, June 5, 2009, August 20, 2009 and September 15, 2009, respectively,

And co-guardian/appellant having moved for an order enlarging the record on appeal, and for other relief,

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

It is ordered that the motion is denied.

ENTER:


CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 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-4693
Ind. No. 6084N/08

Derrick Moultrie, also known as Derrick Moultric,
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Leland G. DeGrasse
Nelson S. Román, Justices.

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

Respondent,

-against-

M-4717
Ind. No. 6221/06

David Wesley, also known as Kevin Kimp,

Defendant-Appellant.
-----X

An order of this Court having been entered on May 22, 2008 (M-4985/M-6660), granting defendant leave to prosecute, as a poor person, the appeals from the judgments of the Supreme Court, New York County rendered on or about August 14, 2007 and November 27, 2007, respectively, and assigning counsel therefor,

And defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the aforesaid appeals, 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 as premature, the appeal having not been perfected by assigned counsel on defendant-appellant's behalf.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Leland G. DeGrasse
Nelson S. Román, Justices.

-----x
Ana Ramona Peralta,

Plaintiff-Appellant,

-against-

M-4713
Index No. 21364/03

Grenadier Realty Corp., et al.,

Defendants-Respondents.
-----x

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about November 23, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Leland G. DeGrasse
Nelson S. Román, Justices.

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

Appellant,

-against-

M-4754
Ind. No. 4795/03

Sherill Dudley, also known as
Terry Grant,

Defendant-Respondent.
-----X

The People having moved for an enlargement of time in which to perfect the appeal from the order of **resentence** of the Supreme Court, New York County, entered on or about April 28, 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 the June 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Leland G. DeGrasse
Nelson S. Román, Justices.

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

Appellant,

-against-

M-4750
Ind. No. 6800/03

Mike Joseph,

Defendant-Respondent.
-----x

The People having moved for an enlargement of time in which to perfect the appeal from the judgment of **resentence** of the Supreme Court, New York County, entered on or about April 27, 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 the June 2011 Term.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

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

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

- - - - -
Anthony B.,

Petitioner-Respondent,

M-4296
Docket No. V-20974-03/06

-against-

Priscilla B.,

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 3, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. 914-949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3)

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

permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11(b)(2) and (c) of the Rules of this Court, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

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

-----X
In the Matter of

Briana S., and
Daunte S.,

Children Under the Age of 18 Years
Alleged to be Neglected Under
Article 10 of the Family Court Act.

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

M-4307
Docket No. NN-1025/09
NN-2580/08

LaQueena S.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of fact-finding of the Family Court, New York County, entered on or about March 4, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 603-313-1951, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11(b)(2) and (c) of the Rules of this Court, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


CLERK

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT - Hon. David Friedman, Justice Presiding,
James M. Catterson
Rolando T. Acosta
Leland G. Degrasse
Sheila Abdus-Salaam, Justices.

-----X
Dustin Dibble,
Plaintiff-Respondent,

-against-

M-3709
Index No. 116779/06

New York City Transit Authority,
Defendant-Appellant.
-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 22, 2010 (Appeal No. 2091),

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

It is ordered that the motion is denied.

ENTER:


CLERK.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on November 30, 2010.

Present - Hon. David Friedman, Justice Presiding,
Eugene Nardelli
Leland G. Degrasse
Helen E. Freedman
Sallie Manzanet-Daniels, Justices.

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

-against-

M-4546
Ind. Nos. 2102/99
11555/93

Joseph Suarez, also known as,
Robert Suarez,
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, **denying resentence**, entered on or about August 3, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files copies of such brief, together with the original record, pursuant to Rule 600.11 of the Rules of this Court.

Robert S. Dean, Esq., is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Helen E. Freedman
Rosalyn H. Richter
Sallie Manzanet-Daniels
Nelson S. Román, Justices.

-----X
In the Matter of

Christina G. and Startazia G.,

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

M-4544
Docket Nos. NN23318/09
NN23320/09

Administration for Children's Services,
Petitioner-Respondent,

McKinna G.,
Respondent-Appellant.

Anastasia Rivera, Esq.,
Law Guardian for the Children.

-----X

Law Guardian for the subject children, Anastasia Rivera, Esq., having moved on said children's behalf for leave to respond, as poor persons, to the appeal from orders of the Family Court, Bronx County, entered on or about March 24, 2010 and on or about April 27, 2010, respectively, 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, with leave to renew, if and when respondent mother perfects her appeal.

ENTER:

Susan Rojas
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 November 30, 2010.

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

-----X
In the Matter of the Commitment of

Kie A. T.,
Khristal T., and
Kalisha T.,

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

Saint Dominic's Home, et al.,
Petitioners-Respondents,

M-4205
Docket Nos. B-159/09
B-160/09
B-161/09

Shaneene T.,
Respondent-Appellant.

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

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, Bronx County, entered on or about May 21, 2010, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 603-313-1951, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal, in compliance with Rule 600.11 of the Rules of this Court, within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:


CLERK

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

PM ORDERS

ENTERED

NOVEMBER 23, 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 November 23, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

Aikio Garnes, etc., et al.,
Plaintiffs-Respondents,

-against-

M-5489
Index No. 22790/02

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

-and-

Severiano Marrero,
Defendant.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 6, 2010,

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

It is ordered that the motion is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 23, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
Milagros Collado,
Plaintiff-Respondent,

-against-

Antonio Cruz,
Defendant-Respondent,

M-5302
Index No. 21872/06

-and-

Pichon III, Inc.,
Defendant-Appellant.

-----X

Defendant-appellant Pichon III, Inc. having moved for a stay of trial, pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 23, 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.

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 November 23, 2010.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

Richard Florman,
Plaintiff-Respondent,

-against-

M-5203
Index No. 105982/07

The Mount Sinai Hospital
Defendant,

-and-

Central Parking System of New York,
Inc.,
Defendant-Appellant,

-----X

Defendant Central Parking System of New York, Inc. having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 29, 2010 (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 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 November 23, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Alexander Messina and Lori Messina,
Plaintiffs-Respondents,

-against-

New York City Transit Authority,
E.A. Technologies, Stevens Appliance
Truck Co. and New Haven Moving
Equipment Corporation,
Defendants-Respondents,

M-5406
Index No. 102507/04

-and-

E.A. Technologies/Petrocelli, J.V.,
LLC,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 24, 2010,

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

It is ordered that the motion is granted on condition appellant perfects its appeal on or before January 3, 2011 for the March 2011 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 23, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X

Leota Susan Branche,
Plaintiff-Respondent,

-against-

M-5378
Index No. 304723/08

Douglas Holloway,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 2, 2010 (mot. seq. no. 007)

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated October 27, 2010, is hereby vacated.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 23, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

In the Matter of the Application of
Mazur Carp Rubín & Schulman, P.C.,
Attorneys at Law,
Petitioners-Respondents,

to Fix and Determine Compensation of Said
Attorneys for Litigation Services Rendered
to Ruth A. Haderski, Sherrill L. Deandrage,
Grace L. Price, Margaret M. Haderski
and Susan M. Cook as Beneficiaries of the
Estate of

M-5418
File No. 2929/04

Stephen Haderski, also known as Stephen J.
Haderski, Jr., also known as Stephen J.
Haderski, also known as Stephen Joseph
Haderski, Deceased,
Respondents-Appellants.

-----X

Respondents-appellants having moved for leave to prosecute, as poor persons, the appeals from an order of the Surrogate's Court, New York County, entered on or about January 14, 2010 and the decree from the same court and surrogate entered on or about September 16, 2010, respectively, for leave to have the appeals heard on the original record and upon reproduced appellants' briefs, for an enlargement of time in which to perfect the appeal from the aforesaid order, and for a stay of enforcement of said decree pending hearing and determination 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 only to the extent of staying enforcement of the Surrogate's Court decree on condition respondents post a bond in the amount of \$216,747.00 and on further condition that the appeal from the aforesaid decree be perfected for the May 2011 Term. The motion is otherwise denied, the appeal from the aforesaid order entered January 14, 2010 having been subsumed in the appeal from the decree.

ENTER:



Clerk.

PM ORDERS

ENTERED

NOVEMBER 30, 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 November 30, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----x
Linda Nash,
Plaintiff-Respondent,

-against-

M-5607
Index No. 129074/93

The Port Authority of New York and
New Jersey,
Defendant-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County entered on or about January 15, 2010,

And the Plaintiffs Steering Committee, appointed in the matter *In re World Trade Center Bombing Litigation* (N.Y. Co. Index No. 600000/94), having moved for leave to intervene and to file a brief in connection with the aforesaid appeal, and for related relief,

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

It is ordered that the motion is granted and movants are directed to file their brief on or before January 5, 2011 for the February 2011 Term, to which Term the appeal is adjourned.

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 November 30, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Kenneth E. Ramseur,
Plaintiff-Appellant,

-against-

M-5429
Index No. 106397/06

Hudsonview Company, Third IR Realty Corp., Empire State Management Company, Hudsonview Terrace, LLC, Zachary Fruchthandler and Ephraim Fruchthandler, Defendants-Respondents.

-----X

Plaintiff-appellant having moved for a stay of enforcement of the judgment of the Supreme Court, New York County, entered on or about October 13, 2010, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition the appeal is perfected for the May 2011 Term.

ENTER: 

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X
In the Matter of the Application to
Enforce a Charging Lien and Payment
of Legal Fees Owed,

Dreier LLP and Reniss & Associates, LLC,
Petitioners-Respondents,

M-4706
Index No. 103251/08

-against-

Judith Regan,
Respondent-Appellant.

-----X

Respondent-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 3, 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.

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 November 30, 2010.

PRESENT: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
Leland G. DeGrasse
Nelson S. Román, Justices.

-----X
Robert Russo,
Plaintiff-Respondent,

-against-

M-5474
Index No. 603324/08

BMW of North America, LLC and BMW
of Manhattan, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 7, 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 granted on condition the appeal is perfected on or before January 3, 2011 for the March 2011 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
Rosalyn H. Richter
Sallie Manzanet-Daniels, Justices.

-----X
Carl Andrews & Associates, Inc.,
Petitioner-Appellant,

-against-

M-5241
Index No. 105396/10

Office of the Inspector General of
the State of New York and Joseph
Fisch, in his capacity as Inspector
General of the State of New York,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about October 4, 2010, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition petitioner-appellant perfects the appeal on or before February 22, 2011 for the May 2011 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 30, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Rolando T. Acosta
Rosalyn H. Richter
Sheila Abdus-Salaam
Nelson S. Román, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-5414
Ind. No. 3758/07

Michael Gilles,

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 February 6, 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.

ENTER:



Clerk