

At a 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 31, 2010.

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

-----X  
Paul Dozier,  
Plaintiff-Respondent,

-against-

M-3584X  
Index No. 13763/07

Riverbend Housing Company, Inc.,  
et al.,  
Defendants-Appellants.

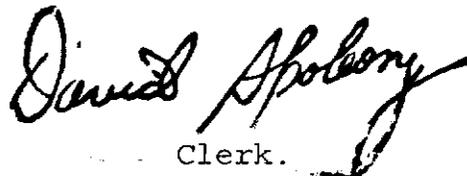
-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about April 8, 2010, April 12, 2010, and April 16, 2010, respectively,

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

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----X  
Cheryl Milone Bab,  
Plaintiff-Respondent,

-against-

M-3585X  
Index No. 350262/05

Andrew Laurance Bab,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 22, 2010 (mot. seq. no. 011),

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----X  
Paul Ossola,  
Plaintiff-Respondent,

-against-

M-3624X  
Index No. 113904/08

Terra Blues and Dav Tsi Dav, Inc.,  
Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 5, 2010 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 16, 2010, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----X  
Park Central Hotel, LLC, on behalf  
of The Board of Managers of Park  
Central Condominium,  
Plaintiff-Respondent,

-against-

M-3623  
Index No. 600181/09

The Manhattan Club Timeshare  
Association, Inc. and O. Park  
Central, LLC,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 11, 2010,

Now, upon reading and filing the stipulation of the parties hereto, "so ordered" July 15, 2010, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----X  
Citibank, N.A.,  
Plaintiff-Respondent,

-against-

M-3632  
Index No. 110989/09

Bernard A. Marden and Charlotte M.  
Marden,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 18, 2010 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 19, 2010, and due deliberation having been had thereon,

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

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 31, 2010.

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

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

Iqbal Naz Sulehria,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-3648  
Index No. 403101/08

-against-

The City of New York and Dora B. Schriro  
in her capacity as Commissioner of the  
Department of Corrections of the City  
of New York,  
Respondents-Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 12, 2009, to review a determination of respondents,

And respondents having moved for withdrawal of the aforesaid proceeding,

Now, upon reading and filing the stipulation of the parties hereto, dated July 19, 2010, and due deliberation having been had thereon,

It is ordered that the proceeding, previously perfected for the June 2010, is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----X

North Fork Bank,  
Plaintiff-Appellant,

-against-

M-3654

Index No. 109662/07

Just 2 Guys, LLC, Estate of Royce  
Graham and 45-34 Realty Corp.,  
Defendants,

-and-

John Vondracek,  
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 15, 2009 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated July 13, 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:

  
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 31, 2010.

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

-----X  
A Plus Medical, P.C.,  
Assignee of John James,  
Plaintiff-Respondent,

-against-

M-3655  
Index No. 570671/08

Mercury Casualty Company,  
Defendant-Appellant.  
-----X

An appeal having been taken 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 April 30, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated May 3, 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:

  
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 31, 2010.

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

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

-against-

Rafael Black, also known as  
Raphael Black,  
Defendant-Appellant.

M-3543  
Ind. Nos. 917/09  
2346/09  
3552/09

-----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 July 2, 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:

  
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 31, 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-3544  
Ind. No. 1279/03

John S. Burke,  
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 15, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 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-3545  
Ind. No. 5379N/09

Standish Dublin,  
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 June 2, 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 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-3546  
Ind. No. 3618N/08

Benny Garay, also known as Benny  
Garray,  
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 June 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.

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 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-3547  
Ind. No. 3692N/09

Michael Garcia,  
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 June 15, 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:

  
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 31, 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-3548  
Ind. No. 5603/09

Thomas Garner,  
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 June 10, 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:

  
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 31, 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-3549  
Case No. 71337C/07

Jeffrey Johnson,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about January 21, 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.

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 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-3550  
Ind. No. 6220N/08

Duane Jones,  
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 June 17, 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 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-3551  
Ind. No. 5485/08

Joey Lopez, also known as Joan  
Lopez,  
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 November 24, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 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-3552  
Ind. No. 1545/10

Reginald McClure,  
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 June 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.

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 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-3554  
Ind. No. 6477/08

Roman Tejada,  
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 June 9, 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.

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

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

-against-

M-3555  
Ind. No. 4248N/09

Glen S. Thomassin, also known as  
Glen Thomassini,  
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 June 8, 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.

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

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

-against-

M-3556  
Ind. No. 3545/07

David Torres,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 13, 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on August 31, 2010.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela Mazzaelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-3460  
Ind. No. 6062/99

Donald Bowden,  
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 19, 2010, **denying resentence**, 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.

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

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

-against-

M-3461  
Sci. No. 341/10

Joseph Flippo,  
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,

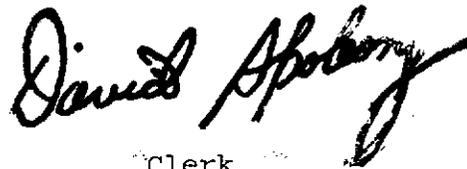
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is 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:

  
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 31, 2010.

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

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

-against-

M-3462  
Ind. No. 3030/09

Christopher Halls, also known as  
Christopher Nalls,  
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 June 1, 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 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

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

-against-

M-3463  
Ind. No. 4645/09

Newton Kinsey,  
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 18, 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 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

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

-against-

M-3464  
Ind. No. 4399/06

Gavin Murray,  
Defendant-Appellant.

-----x  
Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 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 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:

  
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 31, 2010.

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

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

-against-

M-3465  
SCI No. 2352/04

George Roque, also known as  
Jorge Roque,  
Defendant-Appellant.  
-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 8, 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 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on August 31, 2010.

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

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

-against-

M-3466  
Ind. No. 9821N/97

Dwayne Singleton,  
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 May 5, 2010, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on August 31, 2010.

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

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

-against-

M-3467  
Ind. No. 7685/00

Mitchell Texidor, also known as  
Mitchell Texidar,  
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 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 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on August 31, 2010.

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

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

-against-

M-3468  
Ind. No. 1627/01

Derrick Ties,  
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 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 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:

  
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 31, 2010.

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

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

-against-

M-3469  
Ind. No. 5199/09

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

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

Sonia H.,  
Petitioner-Appellant,

M-1781  
Docket No. V10877-03/09E

-against-

Jonathan F.,  
Respondent-Respondent.

-----X  
Mike Moorman, Esq., Lawyers for  
Children,  
Law Guardian for the Child.

-----X  
Petitioner-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about March 9, 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, Carol Lipton, Esq., 800 Greenwood Avenue, #3L, Brooklyn, NY 11218, Telephone No. (718) 436-5359, 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:

  
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 31, 2010.

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

-----X  
In the Matter of

Diamair J.,

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

**M-2808**  
Docket No. B11216/09

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

Denise W.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about April 5, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 682-2171, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court (See M-2813, decided simultaneously herewith).

ENTER:

  
Clerk.

---

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

At a 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 31, 2010.

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

-----X

In the Matter of

Shaqualle Khalif W., also known as  
Shaquall W.,

M-2813  
Docket No. B11217/09

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

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

Denise W.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about April 5, 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, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, Telephone No. (914) 682-2171, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court (See M-2808, decided simultaneously herewith).

ENTER:

  
Clerk.

---

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

At a 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 31, 2010.

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

-----X  
Elvio Taveras, et al.,  
Plaintiffs-Appellants,

Ramon Hernandez, et al.,  
Plaintiffs,

M-3263  
Index No. 104260/06

-against-

General Trading Co., Inc.,  
Defendant-Respondent.  
-----X

Plaintiff-appellant Elvio Taveras having moved for reargument of the decision and order of this Court entered on May 27, 2010 (Appeal No. 2900/2900A/2900B/2900C), 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 August 31, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Helen E. Freedman  
Nelson S. Román, Justices.

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

Respondent,

-against-

M-971  
Ind. No. 3212/06

Curtis Simmons,

Defendant-Appellant.  
-----x

Assigned counsel for defendant having moved for leave to withdraw the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 5, 2008,

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

It is ordered that the motion is granted and the appeal is deemed 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 August 31, 2010.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Diane T. Renwick, Justices.

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

-against-

M-2833

Ind. No. 9046/91

Eugene Bush, also known as Andrew Sims,

Defendant.  
-----X

An order of this Court having been entered on April 1, 2010 (M-382), denying defendant's motion for, inter alia, leave to appeal to this Court from the order of the Supreme Court, New York County, purportedly entered on or about November 6, 2009,

And defendant having renewed his motion for leave to appeal to this Court, 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 and, sua sponte, the purported appeal is dismissed. (See CPL 450.10)

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 31, 2010.

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

-----X  
Tracy Massop and Wendell Francis,

Plaintiffs,

-against-

M-3197  
Index No. 604121/06

Inventors Helpline/Patent and Trademark  
Institute,

Defendants.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about October 25, 2007 (mot. seq. no. 001),

And an order of this Court having been entered on June 11, 2009 (M-2384), inter alia, dismissing plaintiffs' appeal,

And an order of this Court having been entered on May 13, 2010 (M-1450) denying plaintiffs' motion for reargument of the aforesaid order of dismissal of plaintiffs' appeal,

And plaintiffs having moved to vacate the order(s) of dismissal of 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 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 31, 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

Brittany Annette M.,

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

M-3134

Docket No. B17174/09

-----  
Episcopal Social Services,  
Petitioner-Respondent,

Danielle McC.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 5, 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, Patricia Jellen, Esq., 245 Park Drive, Eastchester, NY 10709, Telephone No. (914) 793-7534, 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:

  
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 31, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Jonh W. Sweeny, Jr.  
James M. McGuire  
Roland T. Acosta, Justices.

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

-against-

M-3174  
Ind. No. 1757/04

Orlando Correa,  
Defendant-Appellant.

-----X  
Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about April 7, 2010, **denying resentence**, 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.

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on August 31, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding  
David B. Saxe  
Jonh W. Sweeny, Jr.  
James M. McGuire  
Roland T. Acosta, Justices.

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

-against-

M-3175  
Ind. No. 2100/03

Cory Neely, also known as  
Corey Everette,  
Defendant-Appellant.

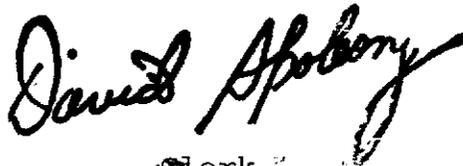
-----X  
Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about May 17, 2010, **denying resentence**, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and 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.

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 (See M-3176, 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 31, 2010.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Jonh W. Sweeny, Jr.  
James M. McGuire  
Roland T. Acosta, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-3176  
Ind. Nos. 8212/02  
4317/03

Cory Neely, also known as  
Corey Everette,  
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 17, 2010, **denying resentence**, 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.

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 (See M-3175, 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 31, 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,

-against-

M-3118  
Ind. No. 238/00

Andres Garcia,

Defendant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about September 21, 2000, 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, to the extent it seeks an extension of time to file a notice of appeal, is denied (CPL 460.30 subd. 1). So much of the motion which seeks poor person relief and the assignment of counsel is denied as moot.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

Present - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Helen E. Freedman, Justices.

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

-against-

M-2868  
Ind. No. 4558/04

Amir Douglas,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about May 24, 2007, 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. The motion, to the extent it seeks leave to file a pro se supplemental brief, is denied, as premature.

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 31, 2010.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Sheila Abdus-Salaam, Justices.

-----X  
In re Accounting of The Public Administrator  
of the County of New York, as Administrator  
c.t.a. of the Estate of Abraham Rad,  
also known as Abraham Farin Rad,  
Deceased.

M-3211  
File No. 1737/92

-----  
Nahid Rad,  
Objectant-Appellant,

-against-

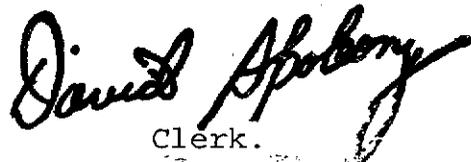
Public Administrator of the County of New  
York,  
Petitioner-Respondent.

-----X  
Objectant-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 May 20, 2010  
(Appeal No. 2825),

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 August 31, 2010.

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

-----X

In the Matter of

Jassan Teeshi A.,

M-3256

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

Docket No. B8986/08

-----  
Cardinal McCloskey Services,  
Petitioner-Appellant,

Jason T.A.,  
Respondent-Respondent.

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

-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about September 29, 2009, and said appeal having been perfected,

And Randall Carmel, Esq., assigned counsel for respondent father, having moved for an order dismissing petitioner mother's appeal, or for an adjournment 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 to the extent of adjourning the appeal to the November 2010 Term, and the motion is otherwise denied.

ENTER



Clerk. *ea*

At a 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 31, 2010.

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

-----X  
Marlene Aloe,  
Plaintiff-Appellant,

-against-

M-3364  
Index No. 8308/09

City of New York for the actions of  
the New York City Police Department,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Civil Court, Bronx County, entered on or about November 9, 2009, or 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 dismissing the appeal, without prejudice to further proceedings in the Appellate 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 August 31, 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-3492  
Ind. No. 309/99

Jason Phelps, also known as  
Michael McKinney,  
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 June 29, 2010, **denying resentence**, 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.

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on August 31, 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-3495  
Ind. No. 9513/97

Michael Dalton, also known as Michael  
Walton,  
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 21, 2010, **denying resentence**, 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.

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----X  
North Town Roosevelt, LLC,

Petitioner-Landlord-Respondent,

-against-

M-3344  
Index No. 570463/08

Glen Lloyd,

Respondent-Tenant-Appellant.  
-----X

Respondent having moved for leave to prosecute, as a poor person, the purported appeal from the order of the Appellate Term, First Department, entered on or about March 9, 2010, which affirmed an order of the Civil Court, New York County, entered on or about June 4, 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 denied for lack of jurisdiction.

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 31, 2010.

Present - Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman, Justices.

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

-against-

M-283  
Ind. No. 2889/06

Alexander Payne,  
Defendant-Appellant.

-----x  
An order of this Court having been entered on September 29, 2009 (M-3907), inter alia, 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 January 7, 2008, and assigning Steven Banks, Esq., as counsel to prosecute the appeal,

And assigned counsel having moved for an order deeming the previously filed notice of appeal timely pursuant to CPL 460.30, and amending the aforesaid order of assignment to reflect the judgment of **resentence** rendered on or about December 9, 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 deeming the motion as one pursuant to CPL 460.30 for leave to file a late notice of appeal from the judgment of resentence and, as such, the motion is granted. The order of assignment is amended to include defendant's appeal from the judgment of resentence rendered on or about December 9, 2009 under the same indictment number, and the poor person relief previously granted, including the assignment of counsel, is extended to cover same.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----X  
Black Diamond CLO 2005-1, Ltd., et al.,  
Plaintiffs-Appellants,

-against-

M-3252  
Index No. 602519/07

Rhone Capital, LLC, et al.,  
Defendants-Respondents,

PricewaterhouseCoopers, LLP, et al.,  
Defendants.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeals from the order of the Supreme Court, New York County, entered on or about February 11, 2009 and from the order and judgment of said Court entered on or about October 13, 2009 and October 20, 2009, respectively, said appeals having been consolidated by an order of this Court (M-5551) entered January 19, 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 aforesaid consolidated appeals to on or before October 4, 2010 for the December 2010 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 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-3291  
Ind. No. 2972/08

Antonio Rodriguez,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 24, 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:

  
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 31, 2010.

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

-----X  
Kayla James, an infant by her  
Mother and Natural Guardian,  
Atara James and Atara James,  
individually,  
Plaintiffs-Appellants,

M-3410  
Index No. 16954/02

-against-

Loran Realty V Corp., Frank  
Palazzolo and Carmine Donadio,  
Defendants-Respondents.

-----X  
Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about October 30, 2009,

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

It is ordered that the motion is 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:

  
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 31, 2010.

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

-----X  
John Hollings, Inc.,  
Plaintiff-Appellant;

-against-

M-3459  
Index No. 600298/08

Nick & Duke, LLC, West 23rd Street  
Hospitality, LLC, Gurdayal P. Kohly,  
Richard Born, Davis & Davis, LLP,  
Eric M. Davis, MJG Holdings, LLC,  
Advocate Capital, Inc., "John and  
Jane Doe," "XYZ, Inc." and "ABC,  
LLC", the aforesaid parties in  
quotation, if any, being fictitious  
and unknown to Appellant,  
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 24, 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 December 2010 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----x  
Ike Essilfie-Obeng, An Infant by his  
Mother and Natural Guardian, Lydia  
Davies,  
Plaintiff-Appellant,

-against-

M-3475  
Index No. 8967/04

Godfried R. Ahya, et al.,  
Defendants-Respondents.  
-----x

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about May 26, 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:

  
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 31, 2010.

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

-----X  
Bruce Grilikhes,  
Plaintiff-Appellant,

-against-

M-3511  
Index No. 104734/06

International Tile & Stone Show Expos,  
etc., et al.,  
Defendants-Respondents,

-and-

New York Convention Center Development  
Corporation,  
Defendant.

-----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 September 14, 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 December 2010 Term.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----x  
Ana Cecilia Perez,

Plaintiff-Appellant,

-against-

Soutra Limousine Inc., et al.,

Defendants-Respondents.  
-----x

M-3513  
Index No. 13348/06

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 September 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 December 2010 Term.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----x  
Virginia Surety Insurance Company,

Plaintiff-Appellant,

-against-

M-3588  
Index No. 110207/06

Harway Terrace, Inc., et al.,

Defendants-Respondents.  
-----x

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 1, 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 December 2010 Term.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----x  
Rose Group Park Avenue LLC, et al.,  
Petitioners-Respondents,

-against-

M-3599  
Index No. 117190/09

The New York State Liquor Authority,  
Respondent-Appellant,

The Preservation Coalition, et al.,  
Intervenors-Appellants.  
-----x

Respondent the New York State Liquor Authority having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about April 19, 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 December 2010 Term.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----x  
Minnie Parker,

Plaintiff-Appellant,

-against-

Bronx House Community Center, et al.,

Defendants-Respondents.  
-----x

M-3247  
Index No. 21141/06

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 August 14, 2009,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 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 August 31, 2010.

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

-----x  
Azita Zendel,  
Plaintiff-Appellant,

-against-

M-3744  
Index No. 602115/08

Moore Capital Management, LLC, 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 September 10, 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 January 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 August 31, 2010.

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

-----x  
The Estate of Edis Estevez, etc.,

Plaintiff-Appellant,

-against-

M-3600  
Index No. 8112/03

The City of New York, et al.,

Defendants-Respondents.  
-----x

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

And plaintiff-appellant having moved for an enlargement of time in which to perfect the consolidated 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 consolidated appeals to the December 2010 Term.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----X  
Wilbert Moore,  
Plaintiff-Appellant,

-against-

M-3114  
Index No. 301263/09

Christopher Dalton, Students A,  
B, C, D, the City of New York  
and the NYC Law Department,  
Defendants-Respondents.

-----X

Plaintiff having moved for a summary judgment in the above captioned action or in the alternative for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 26, 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 October 4, 2010 for the December 2010 Term. So much of the motion which seeks entry of summary judgment 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 31, 2010.

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

-----x  
Souad Fennouh,

Plaintiff-Appellant,

-against-

Ramez Chalhoub,

Defendant-Respondent.  
-----x

M-3282  
Index No. 350081/08

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 6, 2010 (mot. seq. no. 008),

And plaintiff having moved, pursuant to CPLR 5519(c), for a stay of so much of the order which reduces child support and maintenance payments, pending hearing and determination of the aforesaid 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 August 31, 2010.

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

-----x  
Gettinger Associates, L.P., et al.,

Plaintiffs-Respondents-Appellants,

-against-

Abraham Kamber Company LLC,

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

M-3451  
Index No. 111166/06

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 June 11, 2010 (mot. seq. no. 008),

And defendant-appellant-respondent having moved for a stay of trial pending hearing and determination of 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 for a stay of trial is granted on condition the direct appeal be perfected on or before October 4, 2010 for the December 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided either respondent serves a copy of this order upon appellant within 10 days of the date of entry hereof. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----x  
Irma Perez, as Administratrix of the  
Estate of Juan Yanes, Deceased,

Plaintiff-Respondent,

-against-

M-3525  
Index No. 8166/07

2305 University Avenue, LLC,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about April 14, 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 August 31, 2010.

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

-----x  
Judith Klein,

Petitioner-Appellant,

-against-

M-3696  
Index No. 400623/09

New York City Administration for  
Children's Services,

Respondent-Respondent.  
-----x

Appeals having been taken to this Court by petitioner from orders of the Supreme Court, New York County, entered on or about September 25, 2009 (mot. seq. no. 002) and October 2, 2009 (mot. seq. no. 001), respectively,

And petitioner 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 to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the December 2010 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----X  
Shelton Stewart,  
Plaintiff-Respondent,

-against-

M-3642  
Index No. 13911/99

New York City Transit Authority,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about May 7, 2009,

And plaintiff-respondent having moved to dismiss defendant's appeal or to require defendant to file a supplemental appendix 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 plaintiff to file a supplemental appendix without prejudice to argument on appeal, with costs. The motion is otherwise denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----x  
Marsha Zimblar, etc., et al.,  
Plaintiffs-Respondents,

-against-

The Board of Managers of the Oxford  
on Seventy Second, et al.,  
Defendants-Appellants,

M-3529

M-3711

The Fitness Company,  
Defendant-Appellant,

Index No. 150016/06

-and-

Resnick 72<sup>nd</sup> St. Associates (A New York  
Limited Partnership),  
Defendant.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 10, 2010 (mot. seq. no. 002, 003, 004),

And the respective defendants-appellants having separately moved for a stay of trial herein pending hearing and determination of the aforesaid appeals (M-3529/M-3711),

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.

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 31, 2010.

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

-----x  
Turner Construction Company, et al.,

Plaintiffs-Respondents,

-against-

Campbell and Dawes, Ltd., et al.,

Defendants-Appellants.  
-----x

M-3558  
Index No. 115048/07

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 15, 2010 (mot. seq. nos. 001, 002),

And defendants-appellants having moved for a stay of enforcement of the order 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 December 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided respondent(s) serve a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----x  
Frank Montalbano,  
Plaintiff-Respondent,

-against-

136 W. 80 St. CP,  
Defendant,

M-3609  
Index No. 112714/08

James Callanan,  
Defendant-Respondent,

-and-

80<sup>th</sup> Street Owners Corp.,  
Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 10, 2010, and said appeal having been perfected,

And defendant-appellant having moved for a stay of 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 granted to the extent of staying trial pending hearing and determination of the appeal.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

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

Respondent,

-against-

M-3695  
Ind. No. 1485/03

Roberto Marti,

Defendant-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 2, 2010, **denying resentence**, and said appeal having been perfected,

And defendant-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.

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 31, 2010.

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

-----x  
Donald Sprague,  
Plaintiff-Respondent,

-against-

M-3703  
Index No. 18270/06

Profoods Restaurant Supply, LLC.,  
et al.,  
Defendants-Appellants,

-and-

J.P.N. Associates,  
Defendants.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about May 17, 2010, and said appeal having been perfected,

And defendants-appellants having moved for a stay of 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 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 August 31, 2010.

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

-----x  
Stellar Sutton LLC,

Plaintiff-Appellant,

-against-

M-3708  
Index No. 103215/08

Linda Dushey, 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 May 6, 2010 (mot. seq. no. 004), May 11, 2005 (mot. seq. no. 005), June 21, 2010 (mot. seq. No. 005) and July 19, 2010 (mot. seq. no. 007), respectively,

And plaintiff having moved to vacate or modify a preliminary injunction entered on or about June 21, 2010, and for preference in hearing of the 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 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 31, 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

Henry Sanders,

An Incapacitated Person.

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

M-3804  
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 executor-respondent having moved for leave to strike appellant's appendix and brief and dismissing the aforesaid appeal or, in the alternative, adjourning the appeal and directing appellant to file a new appendix and brief,

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

It is ordered that the motion is granted to the extent of striking appellant's appendix and brief, with leave to appellant to submit an appendix and brief for the December 2010 Term. The Clerk is directed to accept the filing without further fee.

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 31, 2010.

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

-----X  
Adrian Shipholding Inc. and  
Atlantas Shipping Co.,  
Petitioners-Appellants,

-against-

Lawndale Group S.A.,  
Respondent-Respondent.

M-3535  
Index No. 600885/10

-----X

Petitioners-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 July 1, 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.

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 31, 2010.

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

-----X  
Carby Bruce,  
Plaintiff-Respondent,

-against-

182 Main St. Realty Corp.,  
Defendant-Appellant.

M-3977  
Index No. 7778/06

-----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, Bronx 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.

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 31, 2010.

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

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

-against-

M-3698A  
Ind. No. 1921/99

Joesun King,  
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 June 24, 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, of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. (See M-3698, decided simultaneously herewith.)

ENTER:

*David Apolony*  
Clerk

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

BEFORE: Hon. Helen E. Freedman  
Justice of the Appellate Division

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

M-3698  
Ind. No. 1921/99

-against-

CERTIFICATE  
GRANTING LEAVE

Joesun King,

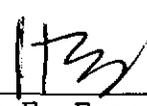
Defendant-Appellant.  
-----X

I, Helen E. Freedman, 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 June 24, 2010. (See M-3698A, decided simultaneously herewith.)<sup>1</sup>

Dated: August 17, 2010  
New York, New York

**ENTERED**

**AUG 31 2010**

  
\_\_\_\_\_  
Hon. Helen E. Freedman  
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

<sup>1</sup>In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

---

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 (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-1822  
Ind. No. 3815/02

-against-

CERTIFICATE  
DENYING LEAVE

Henry Paul,  
Defendant-Appellant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, entered on or about March 10, 2010, is hereby denied.

Dated: New York, New York  
July 21, 2010

**ENTERED** AUG 3 1 2010

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

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

BEFORE: Hon. James M. Catterson  
Justice of the Appellate Division

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

M-2630  
Ind. No. 1255/99

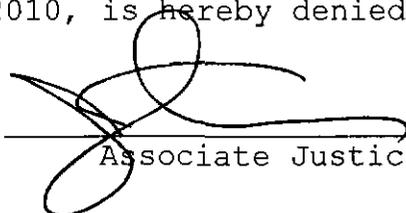
-against-

CERTIFICATE  
DENYING LEAVE

Anthony Gillespie,  
Defendant.

-----X

I, James M. Catterson, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the orders of the Supreme Court, New York County, dated March 23, 2010, is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: August 4, 2010  
New York, New York

ENTERED: **AUG 3 1 2010**

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

BEFORE: Hon. KARLA MOSKOWITZ  
Justice of the Appellate Division

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

M-3127  
Ind. No.2923/2004

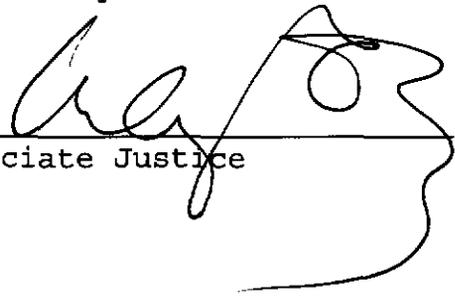
-against-

CERTIFICATE  
DENYING LEAVE

Devon Brown

Defendant.

-----X  
I, Karla Moskowitz, a Justice of the Appellate Division,  
First Judicial Department, do hereby certify that, upon  
application deemed timely made by the above-named defendant for a  
certificate pursuant to Criminal Procedure Law, sections 450.15  
and 460.15, and upon the record and proceedings herein, there is  
no question of law or fact presented that ought to be reviewed by  
the Appellate Division, First Judicial Department, and permission  
to appeal from the order of the Supreme Court, Bronx County,  
entered on or about March 22, 2010, is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: **AUG 18**, 2010  
New York, New York

ENTERED: **AUG 31 2010**

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

BEFORE: Hon. Helen E. Freedman  
Justice of the Appellate Division

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

M-3638  
Ind. No. 1649/06

-against-

CERTIFICATE  
DENYING LEAVE

GEORGE MARTINEZ.  
-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about June 11, 2010 is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: August 10, 2010  
New York, New York

AUG 31 2010

ENTERED:

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

BEFORE: Hon. Helen E. Freedman  
Justice of the Appellate Division

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

M - 3447  
Indictment. No.  
4545N/05

-against-

CERTIFICATE  
DENYING LEAVE

REYES RODRIGUEZ,

Defendant.  
-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to the Criminal Procedure Law §§ 450.15 & 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 25, 2010 is hereby denied.

  
\_\_\_\_\_  
Hon. Helen E. Freedman  
Associate Justice

Dated: August 19, 2010  
New York, New York

ENTERED: **AUG 31 2010**

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

BEFORE: Hon. Sallie Manzanet-Daniels  
Justice of the Appellate Division

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

M-3160  
Ind. No. 5663/01

-against-

CERTIFICATE  
DENYING LEAVE

Jerry Frith,

Defendant.  
-----X

I, Sallie Manzanet-Daniels, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Arlene D. Goldberg), entered on or about April 8, 2010 is hereby denied.

  
Associate Justice

Dated: August 5, 2010  
New York, New York

ENTERED: AUG 31 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 31, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
David Friedman  
John W. Sweeny  
Eugene Nardelli, Justices.

-----X  
In the Matter of Attorneys Who Are  
in Violation of Judiciary Law Section  
468-a:

Departmental Disciplinary Committee  
for the First Judicial Department,  
Petitioner,

M-3613

Judith Shari Gordon,  
admitted on 6-21-1982, at a  
Term of the Appellate Division,  
First Department,  
(OCA Atty. Reg. No. 1819549)  
Respondent.

-----X  
An order of this Court having been entered on February 5, 2008 [M-5901.259], inter alia, suspending the above-named respondent from practice as an attorney and counselor-at-law in the State of New York, effective March 6, 2008, and until the further order of this Court, for failure to comply with Judiciary Law §468-a,

And respondent having moved for an order granting reinstatement as an attorney and counselor-at-law in the State of New York,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, and it appearing that respondent complied with Judiciary Law §468-a on or about June 29, 2010, subsequent to the effective date of the aforesaid order,

It is ordered that the motion is granted and respondent is reinstated as an attorney and counselor-at-law in the State of New York, effective the date hereof.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
David Friedman  
John W. Sweeny  
Eugene Nardelli, Justices.

-----X  
In the Matter of Attorneys Who Are  
in Violation of Judiciary Law Section  
468-a:

Departmental Disciplinary Committee M-3827  
for the First Judicial Department,  
Petitioner,

Peter Joseph Kalmus,  
admitted on 7-28-1982, at a  
Term of the Appellate Division,  
Second Department,  
(OCA Atty. Reg. No. 2199693)  
Respondent.

-----X

An order of this Court having been entered on February 5, 2008 [M-5901.578], inter alia, suspending the above-named respondent from practice as an attorney and counselor-at-law in the State of New York, effective March 6, 2008, and until the further order of this Court, for failure to comply with Judiciary Law §468-a,

And respondent having moved for an order granting reinstatement as an attorney and counselor-at-law in the State of New York,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, and it appearing that respondent complied with Judiciary Law §468-a on or about June 7, 2010, subsequent to the effective date of the aforesaid order,

It is ordered that the motion is granted and respondent is reinstated as a **retired** attorney and counselor-at-law in the State of New York, effective the date hereof.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
David Friedman  
John W. Sweeny  
Eugene Nardelli, Justices.

-----X  
In the Matter of Attorneys Who Are  
in Violation of Judiciary Law Section  
468-a:

Departmental Disciplinary Committee  
for the First Judicial Department,  
Petitioner,

M-3858

Judith Diane Albert,  
admitted on 11-14-1979, at a  
Term of the Appellate Division,  
Second Department,  
(OCA Atty. Reg. No. 1649102)  
Respondent.

-----X  
An order of this Court having been entered on  
October 12, 2006 [M-3061.45], inter alia, suspending the above-  
named respondent from practice as an attorney and counselor-at-  
law in the State of New York, effective November 13, 2006, and  
until the further order of this Court, for failure to comply with  
Judiciary Law §468-a,

And respondent having moved for an order granting  
reinstatement as an attorney and counselor-at-law in the State of  
New York,

Now, upon reading and filing the papers with respect to  
the motion, and due deliberation having been had thereon, and it  
appearing that respondent complied with Judiciary Law §468-a on  
or about April 13, 2009 and June 10, 2010, respectively,  
subsequent to the effective date of the aforesaid order,

It is ordered that the motion is granted and respondent  
is reinstated as an attorney and counselor-at-law in the State of  
New York, effective the date hereof.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz  
Nelson S. Román, Justices.

-----X  
In the Matter of Attorneys Who Are  
in Violation of Judiciary Law Section  
468-a:

Departmental Disciplinary Committee  
for the First Judicial Department,  
Petitioner,

M-3764

Robert Michael Mercorella,  
admitted on 6-1-1987, at a  
Term of the Appellate Division,  
First Department,  
(OCA Atty. Reg. No. 2137941)  
Respondent.

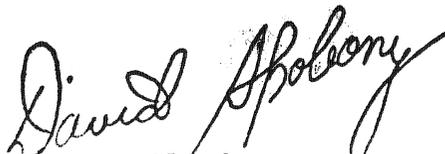
-----X  
An order of this Court having been entered on September 17, 1998 [M-3815.509], inter alia, suspending the above-named respondent from practice as an attorney and counselor-at-law in the State of New York, effective October 19, 1998, and until the further order of this Court, for failure to comply with Judiciary Law §468-a,

And respondent having moved for an order granting reinstatement as an attorney and counselor-at-law in the State of New York,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, and it appearing that respondent complied with Judiciary Law §468-a on or about July 26, 2010, subsequent to the effective date of the aforesaid order,

It is ordered that the motion is granted and respondent is reinstated as an attorney and counselor-at-law in the State of New York, effective the date hereof.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----x  
In the Matter of William B. Caits  
(admitted as William Bennett Caits),  
an attorney and counselor-at-law:

Departmental Disciplinary Committee M-383  
for the First Judicial Department,  
Petitioner,

William B. Caits,  
(OCA Atty. Reg. No. 1100551),  
Respondent.

-----x  
The Departmental Disciplinary Committee for the First Judicial Department, by Alan W. Friedberg, its Chief Counsel (Orlando Reyes, of counsel) having submitted a petition and memorandum of law to this Court on February 19, 2010, for an order pursuant to 22 NYCRR 605.15(e), 603.4(d) and Judiciary Law § 90, confirming so much of the determination of the Hearing Panel which confirmed the findings of fact and conclusions of law of the Referee that respondent (who, as William Bennett Caits, was admitted to practice as an attorney and counselor-at-law in the State of New York at a Term of the Appellate Division of the Supreme Court for the Second Judicial Department on May 8, 1975) had engaged in professional misconduct in violation of the Lawyers' Code of Professional Responsibility in that he had engaged in illegal conduct adversely reflecting on his fitness as a lawyer (DR 1-102[A][3]); engaged in conduct involving dishonesty, fraud, deceit or misrepresentation (DR 1-102[A][4]), and had engaged in conduct adversely reflecting on his fitness as a lawyer (DR 1-102[A][7]), disaffirming so much thereof which recommended a sanction of public censure instead of the Referee's recommendation that respondent be suspended from the practice of law in the State of New York for a period of one year,

And respondent, by his attorneys McDonough and McDonough LLP. (Chris McDonough, of counsel) having submitted an answer to the petition, inter alia, requesting that respondent be subject to no more than a public censure,

Now, upon reading and filing the papers with respect to the petition, and due deliberation having been had thereon, and upon the Opinion Per Curiam filed herein, it is unanimously,

Ordered that the petition is granted to the extent of confirming the determination of the Hearing Panel that respondent had engaged in professional misconduct and the petition is denied with respect to the issue of sanction, and it is,

Ordered that respondent be and hereby is publicly censured.

ENTER:

  
Clerk

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT

AUG 31 2010

Angela M. Mazzaelli,           Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Dianne T. Renwick,           Justices.

-----x

In the Matter of William B. Caits  
(admitted as William Bennett Caits),  
an attorney and counselor-at-law:

Departmental Disciplinary Committee  
for the First Judicial Department,  
Petitioner,

M-383

William B. Caits,  
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental  
Disciplinary Committee for the First Judicial Department.  
Respondent, William B. Caits, was admitted to the Bar of the  
State of New York at a Term of the Appellate Division of the  
Supreme Court for the Second Judicial Department on May 8,  
1975.

Alan W. Friedberg, Chief Counsel, Departmental  
Disciplinary Committee, New York  
(Orlando Reyes, of counsel), for petitioner.

McDonough and McDonough (Chris McDonough, of counsel),  
for respondent.

IN THE MATTER OF WILLIAM B. CAITS, AN ATTORNEY

PER CURIAM

Respondent William B. Caitis was admitted to the practice of law in the State of New York by the Second Judicial Department on May 8, 1975. At all times relevant to these proceedings, respondent has maintained an office for the practice of law within this Department.

On April 6, 2007, following a bench trial in Queens County, Criminal Court, respondent was convicted of attempted assault in the third degree (Penal Law § 110/120.00 [1] [intent to cause physical injury]) and harassment in the second degree (Penal Law § 240.26). Both crimes are misdemeanors. The court sentenced respondent to a conditional discharge, \$300 fine, and 12-week anger management program. Respondent did not appeal, and has satisfied all the terms of his sentence.

Respondent's criminal convictions stem from an altercation with another patron at a restaurant he had attended with his wife and child. At some point, respondent was disturbed by noise emanating from a portable DVD player in a nearby booth, occupied by the patron and her father. Respondent asked her to turn down the music and also complained to the manager. After respondent voiced his dissatisfaction with the patron's adjustments and the manager's suggestion that he relocate, the verbal altercation

escalated, culminating with respondent punching the victim.

Disciplinary proceedings were initiated against him following respondent's criminal convictions. By notice dated February 25, 2009, the Departmental Disciplinary Committee (Committee) charged respondent with seven counts, involving three disciplinary rules, arising out of his criminal convictions. Specifically, charges 1 and 2 alleged that respondent's actions underlying his conviction of attempted assault in the third degree constitute illegal conduct adversely reflecting on his fitness as a lawyer (DR 1-102[A][3]) and conduct generally adversely reflecting on his fitness as a lawyer (DR 1-102[A][7]), respectively. Similarly, charges 3 and 4 alleged that his actions underlying his conviction of harassment in the second degree violate the same two disciplinary rules. Charges 5 and 6 alleged that respondent's false testimony during his criminal trial and during his disciplinary deposition that he did not strike the woman twice and that he did not intend to cause injury violated DR 1-102(A)(4) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Charge 7 alleged that respondent's misconduct, lack of remorse, and misrepresentations to the Court and the Committee adversely reflect on his fitness as a lawyer (DR 1-102[A][7]).

After a two-day evidentiary hearing, the Referee assigned to the matter sustained all charges. The Referee recommended a

sanction of a one-year suspension. Thereafter, a Hearing Panel heard oral argument and in a report confirmed the Referee's findings of facts and conclusions of law, but modified the sanction recommendation to one of public censure.

The Committee now moves for an order pursuant to 22 NYCRR 603.4(d) and 605.15(e)(2) confirming the findings of fact and conclusions of law, and disaffirming, in part, the recommendation as to sanction as set forth in the Hearing Panel report, and instead imposing a one-year suspension. Respondent opposes the Committee's motion and requests that this Court affirm and adopt the Hearing Panel's report in its entirety including the recommendation of censure.

After reviewing all of the evidence adduced, we conclude that the findings of fact and conclusions of law set forth in the determination of the Hearing Panel with regard to respondent's misconduct should be confirmed. In determining the appropriate sanction to impose, we have taken into consideration mitigating circumstances advanced by respondent, including: respondent has practiced law for 38 years with an unblemished disciplinary record, presented numerous attestations as to his integrity and good character, and served in the armed forces. While there are some aggravating factors, namely respondent's attempt to minimize his culpable conduct and his lack of remorse, we find the mitigating factors vastly more compelling insofar as the instant

misconduct was aberrational and was not indicative of his interpersonal relationship in the course of legal representation.

Finally, the sanction of public censure we impose here is consistent with New York precedent for similar levels of misconduct (see e.g. *Matter of Jacoby*, 42 AD3d 196 [2007] [attorney was publicly censured in New Jersey based upon his criminal conviction of simple assault arising from an incident of domestic violence]; *Matter of Garille*, 301 AD2d 102 [2002] [attorney, who was convicted of attempted assault in the third degree, a class B misdemeanor, was publicly censured due to, *inter alia*, his exemplary record of public service and his unblemished disciplinary history]; *Matter of Waggoner*, 114 AD2d 99 [1986] [an attorney, who was convicted in the Virgin Islands of, *inter alia*, assault by pointing a pistol at a police officer, was publicly censured]).

In short, based upon the substantial evidence in mitigation and given the legal precedent, we find that the sanction of public censure is appropriate. Accordingly, we grant the Committee's motion only to the extent of confirming the Hearing Panel's findings of fact and conclusions of law, and respondent is publicly censured.

All concur.

Order filed.

At a 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 31, 2010.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----X  
In the Matter of Victor Lawrence K. Essien  
(admitted as Victor Lawrence Kwesi Essien),  
an attorney and counselor-at-law:

Departmental Disciplinary Committee M-161  
for the First Judicial Department,  
Petitioner,

Victor Lawrence K. Essien  
(OCA Atty. Reg. No. 2007151),  
Respondent.

-----X

The Departmental Disciplinary Committee for the First Judicial Department, by Alan W. Friedberg, its Chief Counsel (Naomi F. Goldstein, of counsel) having submitted a petition to this Court on February 18, 2010, for an order pursuant to 22 NYCRR §§ 605.15(e), 603.4(d) and Judiciary Law § 90, confirming so much of the determination of the Hearing Panel which confirmed the findings of fact and conclusions of law of the Referee that respondent (who, as Victor Lawrence Kwesi Essien, was admitted to practice as an attorney and counselor-at-law in the State of New York at a Term of the Appellate Division of the Supreme Court for the Second Judicial Department on July 31, 1985) had engaged in professional misconduct in violation of the Lawyers' Code of Professional responsibility in that he had neglected a legal matter (DR 6-101[A] [3]); had engaged in conduct involving dishonesty, fraud, deceit or misrepresentation (DR 1-102[A] [4]); and had engaged in conduct prejudicial to the administration of justice (DR 1-102[A] [5]), and disaffirming so much thereof which recommended a sanction of public censure, and instead imposing upon respondent a sanction of no less than a three (3) month suspension,

And respondent pro se having submitted an answer in response to the petition recommending a sanction of no more than a public censure,

Now, upon reading and filing the papers with respect to the petition, and due deliberation having been had thereon, and upon the Opinion Per Curiam filed herein, it is unanimously,

Ordered that the petition is granted to the extent of confirming so much of the determination of the Hearing Panel that respondent had engaged in professional misconduct in violation of DR 6-101(A)(3); DR 1-102(A)(4) and DR 1-102(A)(5), and dismissing charges 2 and 3 pertaining to DR 6-101(A)(3) and DR 1-102(A)(4), the petition is denied with respect to the issue of sanction, and it is,

Ordered that respondent be and hereby is publicly censured.

ENTER:

  
Clerk

AUG 31 2010

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT

Angela M. Mazzairelli,                   Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rolando T. Acosta  
Dianne T. Renwick,                   Justices.

-----x

In the Matter of Victor Lawrence K. Essien  
(admitted as Victor Lawrence Kwesi Essien),  
an attorney and counselor-at-law:

Departmental Disciplinary Committee                   M-161  
for the First Judicial Department,  
Petitioner,

Victor Lawrence K. Essien,  
Respondent.

-----x

Disciplinary proceedings instituted by the Departmental  
Disciplinary Committee for the First Judicial Department.  
Respondent, Victor Lawrence K. Essien, was admitted to the  
Bar of the State of New York at a Term of the Appellate  
Division of the Supreme Court for the Second Judicial  
Department on July 31, 1985.

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

Respondent pro se.

IN THE MATTER OF VICTOR LAWRENCE K. ESSIEN, AN ATTORNEY

PER CURIAM

Respondent Victor Lawrence K. Essien was admitted to the practice of law in the State of New York by the Second Judicial Department on July 31, 1985 under the name Victor Lawrence Kwesi Essien. At all times relevant to his misconduct, respondent maintained an office for the practice of law within the First Judicial Department.

The Departmental Disciplinary Committee now seeks an order pursuant to 22 NYCRR 605.15(e), confirming findings of misconduct by the Hearing Panel, but disaffirming the penalty of public censure recommended by the Hearing Panel to the extent of increasing the sanction to a suspension of no less than three months.

This disciplinary proceeding arises out of respondent's representation of a client who retained him in March 2005 to prosecute an action against Metro-North for injuries sustained in a trip and fall two months earlier. The client's wife also retained respondent to the extent respondent would make a loss of consortium claim. As a subsidiary of the Metropolitan Transit Authority (MTA), Metro-North is subject to the Public Authorities Law (PAL), including a 1-year 30-day statute of limitations (§ 1276; *Burgess v Long Is. R.R. Auth.*, 79 NY2d 777 [1991]). In

June 2005, the client, represented by respondent, was deposed by Metro-North pursuant to a PAL § 1276(4) hearing. Metro-North's attorneys denied having any contact with respondent until March 3, 2006, when he telephoned to discuss the case, and was informed that the statute of limitations had expired on February 15, 2006. Respondent was unable to demonstrate any efforts on the case between the PAL hearing and that telephone call.

By correspondence dated March 13, 2006, respondent mailed a complaint to the client and his wife at their Maryland home with instructions to sign and return it. They did, but failed to notarize it. Respondent falsely notarized their signatures and filed the complaint on April 4, 2006, asserting that the "action was duly commenced within one year and ninety days after the ... cause of action accrued." In opposition to Metro-North's motion to dismiss the complaint as untimely, respondent submitted an affirmation asserting that he had been lulled into delaying filing the action by Metro-North's repeated promises that a settlement was imminent.

During an August 2006 conference call, the judge's law clerk recommended that respondent settle the matter for a small amount of money. He rejected an offer of \$2,500, and in November 2006 the Court dismissed the complaint as time-barred.

Respondent testified before the Referee that he had not wanted to file a complaint or engage in motion practice "unless

it became absolutely necessary," because the claim had only nuisance value, due to weak evidence of liability or injury, and he did not want to diminish the potential settlement amount. In addition, he thought he "had a good relationship or rapport" with opposing counsel and "did not expect them to get so hard-nosed," "insisting on the statute [of limitations]" over a "very small claim." Respondent asserted that he felt assured a settlement would be reached, but once counsel told him the statute of limitations had run, he felt no recourse but to file a complaint and hope that he could defeat a dismissal motion by invoking equitable estoppel, and thereby force Metro-North to negotiate; however, he believed that Metro-North's offer of \$2,500 was insufficient. He stated that he knew the limitations period was 1 year and 30 days and therefore affirmed in the complaint that it had been duly commenced within 1 year and 90 days.

Respondent claimed that he had no intention of misleading anyone when he falsely notarized his clients' signatures as having been made in his presence, and he was merely trying to "speed up the process." He maintained that there was "nothing fraudulent" or "venal" about such action, which did "not harm anybody," although it was "wrong" and he promised not to do it again. He also stated that, at the time he wrote his affirmation in opposition to Metro-North's motion to dismiss, he sincerely believed that his failure to timely file a complaint was due to

opposing counsels' settlement posture, notwithstanding the fact that, according to respondent's own version of events, he merely spoke to one attorney at the PAL hearing, left a message after that, and subsequently asked for a transcript of the hearing from someone who did not identify himself over the telephone.

The Departmental Disciplinary Committee charged respondent with six counts for violating four Disciplinary Rules by neglecting a legal matter, falsely notarizing client submissions, and filing a false affirmation with the Court. The Referee found, without specifying charges or disciplinary rules, that respondent had engaged in "misconduct by failing to file Court documents in a timely manner, by falsely notarizing his client's signature and by misrepresenting facts in an Affirmation filed with the Court," and, noting respondent's previously clean disciplinary record, his work helping people, and his claims that he had no "malicious intent," recommended a three-month suspension. The Hearing Panel sustained four of the six charges, and determined that a sanction of public censure was appropriate under the circumstances.

The Committee moves to confirm the Hearing Panel's findings of misconduct, but to disaffirm to the extent of increasing the sanction to a suspension of no less than three months. Respondent requests that the Hearing Panel's report be confirmed in all respects.

We confirm the Hearing Panel's findings and conclusions in their entirety. Respondent does not challenge the propriety of the Hearing Panel's sustaining of four charges against him. As to sanction, we have consistently held that public censure is an appropriate sanction in situations involving neglect, where, as here, the misconduct is aberrational, and the attorney has shown remorse and cooperation (see *Matter of Plasse*, 17 AD3d 33 [2005]; *Matter of Bryant*, 183 AD2d 147 [1992]). Public censure is also called for in cases of false notarization where, again, mitigating factors exist (see *Matter of Vignola*, 218 AD2d 310 [1996]). Indeed, given the mitigating circumstances here, including that respondent did not profit from his misconduct, we find that the sole misrepresentation in respondent's affirmation to Supreme Court concerning the extent of settlement negotiations between himself and the attorney for Metro North is not enough to warrant the more serious sanction of suspension.

Accordingly, the Committee's petition should be granted to the extent of confirming the Hearing Panel's findings of fact and conclusions of law, but denied to the extent it seeks to disaffirm the Hearing Panel's sanction recommendation of public censure, and respondent is publicly censured.

All concur.

Order filed.

PM ORDERS

ENTERED

AUGUST 24, 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 24, 2010.

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

-----x  
WHG CS, LLC and WHG SUB CS, LLC,

Plaintiffs-Appellants,

-against-

M-3898

Index No. 650788/10

LSREF Summer REO Trust 2009, et al.,

Defendants-Respondents.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 2, 2010,

And plaintiffs-appellants having moved, inter alia, for a preliminary appellate injunction and for preference in hearing of 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 granted on condition the appeal is perfected for the November 2010 Term, with special dates. The record and brief are to be served and filed on or before September 21, 2010, the respondents' brief to be served and filed on or before October 20, 2010, and the reply brief, if any, to be served and filed on or before October 29, 2010. The Clerk is directed to calendar the appeal for hearing in the first week of the November 2010 Term.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 24, 2010.

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

-----x  
W&W Glass, LLC,  
Plaintiff-Respondent,

-against-

1113 York Avenue Realty Company LLC, M-3900  
et al., Index No. 101723/09  
Defendants-Appellants,

-and-

Pacific Lawn Sprinklers, et al.,  
Defendants.

-----x

Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about June 18, 2010, and the judgment of said Court entered on or about June 29, 2010,

And defendants-appellants having moved for a stay of enforcement of a money judgment and foreclosure order 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 on condition the appeals are perfected for the November 2010 Term, with special dates. The record and brief are to be served and filed on or before September 21, 2010, the respondent's brief to be served and filed on or before October 20, 2010, and the reply brief, if any, to be served and filed on or before October 29, 2010. The undertaking by deposit with the New York County Clerk and Clerk of the Supreme Court, evidenced by receipt therefrom filed on August 2, 2010, by the appellant is deemed payable if the

judgment or order appealed from or any part of either is affirmed, or the appeal dismissed, pursuant to the terms of the order and/or judgment appealed from (CPLR 5519 [a][2]).

ENTER:

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

Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 24, 2010.

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

-----X  
Luis Molina, Jr.,  
Plaintiff-Appellant,

-against-

M-3401  
Index No. 22270/05

L.A. Taxi, Inc. and Imran Pervez,  
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 9, 2009,

And counsel for defendant(s)' insurer having moved inter alia, to be appointed as insurer-retained counsel for defendants-respondents, or for the appointment of some other firm to be chosen by defendants-respondents other than present counsel, for a stay of enforcement of the order of this Court entered April 29, 2010 (M-819/M-1139) pending hearing and determination of the aforesaid appeal and for related relief,

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

Ordered that the motion is granted to the extent of permitting the insurer to appoint counsel for the insureds other than D'Amato & Lynch LLP or any other counsel serving on the Board of insurer or having any financial or business interest in insurer, after advising the insured of their right to retain counsel, including John J. Hession, Esq., if so advised, at their own expense. Additional respondents' brief to be served and filed on or before October 6, 2010 for the November 2010 Term, to which Term the appeal is adjourned and the stay of re-trial previously granted is continued.

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 24, 2010.

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

-----x

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

M-3564

-against-

Action No. 1  
Index No. 108951/04

Plot Realty LLC,  
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 a stay of all proceedings 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 to the extent of staying trial pending hearing and determination of the aforesaid appeals, which appellants are directed to perfect for the December 2010 Term. The motion is otherwise denied.

ENTER:

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

Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 24, 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-3835  
Index No. 602192/03

Israel Discount Bank of New York,  
et al.,  
Defendants-Respondents-Appellants/  
Respondent.  
-----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 July 13, 2009 (mot. seq. nos. 017, 018),

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

And plaintiff having moved for preference in hearing of the previously consolidated appeals 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, and the Clerk is directed to maintain the consolidated appeals and cross appeal for hearing in the September 2010 Term.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 24, 2010.

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

-----x  
Hoffinger Stern & Ross, LLP,  
Plaintiff-Respondent,

-against-

M-3849

Index No. 113111/09

Philip Neuman,  
Defendant-Appellant,

Neuman Associates, LLC, et al.,  
Defendants.

-----x

An appeal having been taken to this Court by defendant Philip Neuman from the judgment of the Supreme Court, New York County, entered on or about May 11, 2010, and said appeal having been perfected,

And defendant-appellant Philip Neuman having moved for a stay of the judgment 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:



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 24, 2010.

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

-----x

Romona Tapia, et al.,  
Plaintiffs-Respondents,

M-3878

-against-

Successful Management Corp., et al.,  
Defendants-Appellants,

Action No. 1  
Index No. 400563/08

-and-

600 ACAD LLC, doing business as Royal  
Mercury Holdings, LLC, et al.,  
Defendants,

City of New York, et al.,  
Intervenors-Appellants.

-----

Vladimir Dreytser, et al.,  
Plaintiffs-Respondents,

-and-

Rosa Carreras, et al.,  
Intervenor-Plaintiffs,

-against-

Action No. 2  
Index No. 401140/08

195 Realty LLC, et al.,  
Defendants,

-and-

West 187<sup>th</sup> Street Properties, Inc.,  
et al.,  
Defendants-Appellants,

-and-

513 Properties Inc., et al.,  
Intervenor-Defendants,

City of New York, et al.,  
Intervenors-Appellants.

-----x

Appeals having been taken to this Court from the consolidated order of the Supreme Court, New York County, entered on or about August 12, 2009, and from the order of said Court entered on or about January 29, 2010,

And the City of New York and the New York City Council having moved, inter alia, for leave to intervene on the appeal(s),

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 pursuant to CPLR 1012(b)(2).

ENTER:

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

Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 24, 2010.

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

-----x  
Invar International, Inc., et al.,

Petitioners-Respondents,

-against-

M-3915  
Index No. 650628/10

Zorlu Enerji Elektrik Üretim Anonim  
Şirketi,

Respondent-Appellant.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 23, 2010, and said appeal having been perfected,

And respondent-appellant having moved for a stay of enforcement of the order pending hearing and determination of the aforesaid 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 August 24, 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 Certain Controversies  
Between

Social Service Employees Union,  
Local 371, on behalf of its member,  
Bowana Robinson,  
Petitioner-Respondent,

M-3687  
Index No. 114870/08

-against-

City of New York, etc.,  
Respondent-Appellant.

-----x

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 18, 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 November 2010 Term, with no further enlargements to be granted.

ENTER:



Clerk

PM ORDERS

ENTERED

AUGUST 31, 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 31, 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 a Proceeding for  
Custody and/or Visitation Under  
Article 6 of the Family Court Act.

-----  
Tonia J., also known as Tania J.,  
Petitioner-Appellant,

M-3917  
Docket Nos. V297/06  
V12012-3/05  
V12351-2/07

-against-

Levon S.,  
Respondent-Respondent.

-----x  
An order of this Court having been entered on September 15, 2009 (M-2921), granting petitioner-appellant leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about May 27, 2009, and assigning Steven N. Feinman, Esq., as counsel to prosecute the appeal,

And petitioner-appellant having moved for an order relieving assigned counsel in connection with the aforesaid appeal,

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

It is ordered that the motion is denied.

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 31, 2010.

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

-----x  
Doris Beverly Burton,

Plaintiff-Respondent,

-against-

Dr. Elena Vezza Physician PC, et al.,

Defendants-Appellants.  
-----x

M-3982  
Index No. 303349/09

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about June 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 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 31, 2010.

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

-----X  
Screenvision Cinema Network, LLC,  
Petitioner-Appellant,

-against-

M-4031  
Index No. 150157/10

Steven C. DeLorenzo,  
Respondent-Respondent.  
-----X

Petitioner-appellant having moved, pursuant to CPLR 5704(a), for relief denied by a Justice of the Supreme Court, New York County, on or about August 9, 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 granted to the extent of staying the arbitration pending hearing and determination of the petition in Supreme 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 August 31, 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 Application of

Ryan Elwell,  
Petitioner-Respondent,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-4046  
M-4156  
Index No. 260050/10

-against-

State University of New York  
Maritime College,  
Respondent-Appellant.

-----x

An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, entered on or about June 8, 2010,

And petitioner-respondent having moved, for declaration that a CPLR 5519(a)(1) statutory stay of the judgment is not in effect or, in the alternative, for vacatur of such stay (M-4046),

And respondent-appellant having cross-moved for a discretionary stay in the event the Court determines there is no statutory stay (M-4156),

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-4046) is granted to the extent of declaring that no 5519(a)(1) statutory stay is extant, the cross motion (M-4156) is denied and the judgment is not stayed.

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 31, 2010.

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

-----X  
Coastal Nejapa, Ltd.,  
Plaintiff-Respondent,

-against-

Crystal Power Company, Ltd.,  
Defendant-Appellant,

-and-

M-3769  
Index No. 600632/07

Banco Agrícola, Banco Salvadoreño  
and Banco G&T Continental El  
Salvador, S.A.,  
Defendants-Respondents.

-----X

Plaintiff-respondent and defendants-respondents having jointly moved for dismissal of the appeals taken from the order of the Supreme Court, New York County, entered on or about May 27, 2009 and the judgment of the same Court entered on or about December 11, 2009, respectively, or in the alternative, to expand the record on appeal to include certain papers filed in relation to defendant-appellant's resettlement motion,

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

It is ordered that the motion is granted to the extent of directing the plaintiff-respondent to immediately file ten copies of the supplemental record. The motion is otherwise denied, without prejudice to raising the argument regarding dismissal on the appeal.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----X  
Morrison Cohen LLP,  
Plaintiff-Respondent,

-against-

M-3899  
Index No. 104100/09

David Fink,  
Defendant-Appellant.

-----X

An appeal having been taken by defendant, from the order of the Supreme Court, New York County, entered on or about January 7, 2010 and from the judgment of said court entered on or about January 12, 2010, respectively,

And plaintiff having moved for an order striking improper material from defendant's record and brief and directing defendant to file a revised brief without references to the stricken material, 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 directing defendant to physically excise pages 187-210 of the record, striking defendant-appellant's brief and, directing defendant to refile without further fee a revised appellant's brief without references to the stricken material on or before October 4, 2010 for the December 2010 Term of this Court, 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 August 31, 2010.

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

-----X

Leslie Kahn,  
Petitioner-Respondent,

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

-against-

New York City Department of Education,  
Joel Klein, in his official capacity as  
Chancellor or the New York City  
Department of Education and Danielle  
Salzberg, in her official capacity as  
former Principal of the Khalil Gibran  
International Academy,  
Respondents-Appellants,

M-3707  
M-4023  
Index No. 112312/08

-and-

Council of School Supervisors and  
Administrators and New York State  
United Teachers on behalf of  
Leslie Kahn,  
Amici Curiae.

-----X

Respondents-appellants, by an order of the Supreme Court, New York County, dated December 23, 2009, having been granted leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about September 9, 2009,

And proposed amicus curiae Council of School Supervisors having moved (M-3707) for leave to serve and file a brief amicus curiae in connection with the aforesaid appeal,

And proposed amicus curiae New York State United Teachers having moved (M-4023) for leave to serve and file a brief amicus curiae in connection with the aforesaid 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 (M-3707/M-4023) are granted and movants are directed to immediately serve and file ten copies of the briefs amici curiae forthwith.

ENTER:

A handwritten signature in black ink, reading "David Apalony". The signature is written in a cursive, flowing style with a prominent initial "D".

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

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

-----x

Elizabeth Baynes,

Plaintiff-Appellant,

-against-

The City of New York, et al.,

Defendants-Respondents.

-----x

M-3955

M-4084

Index No. 102392/05

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 October 14, 2009 (mot. seq. no. 002),

And defendants-respondents having cross-moved for dismissal of the aforesaid appeal for failure to timely prosecute,

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 granted to the extent of enlarging the time in which to perfect the appeal to the December 2010 Term. The cross motion is granted unless the appeal is perfected for said Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondents serves a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 31, 2010.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz  
Nelson S. Román, Justices.

-----X  
In the Matter of Attorneys Who Are  
in Violation of Judiciary Law Section  
468-a:

Departmental Disciplinary Committee  
for the First Judicial Department,  
Petitioner,

M-3764

Robert Michael Mercorella,  
admitted on 6-1-1987, at a  
Term of the Appellate Division,  
First Department,  
(OCA Atty. Reg. No. 2137941)  
Respondent.

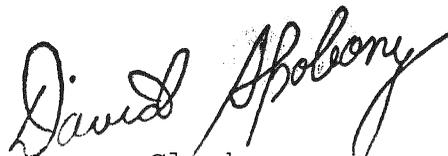
-----X  
An order of this Court having been entered on September 17, 1998 [M-3815.509], inter alia, suspending the above-named respondent from practice as an attorney and counselor-at-law in the State of New York, effective October 19, 1998, and until the further order of this Court, for failure to comply with Judiciary Law §468-a,

And respondent having moved for an order granting reinstatement as an attorney and counselor-at-law in the State of New York,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, and it appearing that respondent complied with Judiciary Law §468-a on or about July 26, 2010, subsequent to the effective date of the aforesaid order,

It is ordered that the motion is granted and respondent is reinstated as an attorney and counselor-at-law in the State of New York, effective the date hereof.

ENTER:

  
Clerk