

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

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

-----X  
Prel Dedvukaj,  
Plaintiff,

-against-

M-3904X

Barney Skanska, Inc., etc., et al.,  
Defendants-Appellants,

Index No. 21619/03

Regional Scaffolding & Hoisting Co.,  
Inc., et al.,  
Defendants.

- - - - -  
Skanska USA Building, Inc., et al.,  
Third-Party Plaintiffs-Appellants,

-against-

Index No. 84895/05

Consolidated Edison Company of  
New York, Inc.,  
Third-Party Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 1, 2010,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 4, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 18, 2011.

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

-----X  
Swiss Center, Inc.,

Petitioner-Appellant,

-against-

608 Company, LLC,

Respondent-Respondent.  
-----X

M-3935X

Index No. 651999/10

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 20, 2011 (mot. seq. nos. 001, 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 25, 2011, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 18, 2011.

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

-----X

The People of the State of New York,

Appellant,

-against-

M-3847  
Ind. No. 2780/10

Reggie Linares,

Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 7, 2011,

Now, upon reading and filing the stipulation of the parties hereto, dated August 12, 2011, 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 October 18, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

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

Angel M.,  
Petitioner-Appellant,

**M-4296**  
Docket No. V496/07

-against-

Nereida M.,  
Respondent-Respondent.

-----X

Respondent-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Supreme Court, Bronx County, Integrated Domestic Violence Part, entered on or about September 17, 2009, and for assignment of counsel, a free copy of the transcript, and for related relief, and said appeal having been perfected,

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, Christina Brandt-Young, Esq., New York Legal Assistance Group, 7 Hanover Square, 18<sup>th</sup> Floor, New York, NY 10004, Telephone No. (212) 613-5086, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for petitioner-appellant and 8 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the February 2012 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 October 18, 2011.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
Sheila Abdus-Salaam  
Nelson S. Román, Justices.

-----X  
Joan Skolnick,  
Plaintiff-Respondent,

-against-

**M-4317**  
Index No. 300798/09

Max Connor, LLC, et al.,  
Defendants-Appellants,

Richard Timberger,  
Defendant.

-----X  
Max Conner, LLC, et al.,  
Third-Party Plaintiffs-Appellants,

Third-Party  
Index No. 84286/09

-against-

J. Siebold Construction Corporation,  
Third-Party Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 15, 2010, and said appeal having been perfected,

And defendants/third-party plaintiffs-appellants having moved to stay 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 October 18, 2011.

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

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

-against-

M-2035  
Ind. No. 4076/08

Kip Mobley,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 19, 2010 (Appeal No. 3396), unanimously affirming a judgment of the Supreme Court, New York County (Bonnie Wittner, J.), rendered on April 20, 2009,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Rolando T. Acosta  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

-----X  
Jazmine Weisman and Jose De La Cruz,  
Petitioners-Appellants,

For a Judgment Pursuant to Article 78 **M-3484**  
of the Civil Practice Law and Rules, Index No. 402362/10

-against-

New York City Housing Authority,  
Respondent-Respondent.  
-----X

Petitioners-appellants having renewed their motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about March 16, 2011, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of 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 attorney for respondent and file 9 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
David B. Saxe  
Nelson S. Román, Justices.

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

-against-

M-1208  
Ind. No. 10203/95

James Jones,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on April 13, 1999 (Appeal No. 730), unanimously affirming a judgment of the Supreme Court, New York County (Weissberg, J.), rendered on October 1, 1996,

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

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

It is ordered that said application is denied.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on October 18, 2011.

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

-----X  
David J. Diamond, as Liquidating  
Trustee of the Bricolage Capital  
LLC Liquidating Trust,

Plaintiff-Respondent,

**M-4254**

Index No. 600573/09

-against-

Ernst & Young LLP,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 20, 2011,

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 October 18, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Nelson S. Román, Justices.

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

-against-

Sheldon Johnson, also known as Sheldon  
Preston Johnson, also known as Tyrone  
Gibbs,  
Defendant-Appellant.

M-3154  
Ind. Nos. 10470/97  
10471/97

-----X

A decision and order of this Court having been entered on September 25, 2001 (Appeal Nos. 4729 and 4730), unanimously affirming the judgment of the Supreme Court, New York County (George Daniels, J.), rendered on October 28, 1998,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

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

-against-

M-3451  
Index No. 105396/10

Office of the Inspector General  
of the State of New York, et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 23, 2011 (Appeal No. 5415N),

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 October 18, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Daniel Peralta, et al.,  
Plaintiffs-Respondents,

-against-

M-4056  
Index No. 310518/08

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

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about June 22, 2010 and August 16, 2010, respectively,

And plaintiffs-respondents having moved for dismissal of the aforesaid appeals or, in the alternative, adjourning said appeals,

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

Ordered that the motion is granted to the extent of dismissing the appeal taken from the order entered August 16, 2010. So much of the motion which seeks to dismiss the appeal taken from the order entered June 22, 2010 is denied without prejudice to addressing the issue directly on the appeal. Said appeal taken from the order entered June 22, 2010 is adjourned to the January 2012 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 October 18, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
John W. Sweeny, Jr., Justices.

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

-against-

Orlando Rodriguez, also known as  
Miguel Figueroa,  
Defendant-Appellant.

**SEALED**  
M-2622  
Ind. No. 692/96

-----X

A decision and order of this Court having been entered on March 29, 2001 (Appeal No. 3687), unanimously affirming a judgment of the Supreme Court, New York County (Mary McGowan, J.), rendered on June 9, 1997, and the order denying 440 relief, Supreme Court, New York County, (John Stackhouse, J.), entered November 29, 1999,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
Karla Moskowitz, Justices.

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

-against-

M-1207  
Ind. No. 3369/06

Pablo Rodriguez,  
Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on November 5, 2009 (Appeal No. 1344), unanimously affirming a judgment of the Supreme Court, New York County (Thomas Farber, J.), rendered on March 21, 2007,

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

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

It is ordered that said application is denied.

ENTER:



\_\_\_\_\_  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-3323  
Ind. No. 366/02

Robert Nazario,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on June 21, 2011 (Appeal No. 5379),

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 October 18, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Karla Moskowitz  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X

Echostar Satellite L.L.C.,  
Plaintiff-Appellant,

-against-

ESPN Inc., et al.,  
Defendants-Respondents.

-----X

**SEALED**

M-3354

Index No. 600282/08

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 21, 2011 (Appeal No. 5386),

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 October 18, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
RDLF Financial Services, LLC,  
Plaintiff-Respondent,

-against-

**M-4085**  
Index No. 119185/06

Marc A. Bernstein and Bernstein &  
Berstein, LLP,  
Defendants-Appellants,

North Fork Bank,  
Defendant.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 8, 2010 (mot. seq. no. 006),

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 December 5, 2011 for the February 2012 Term, with no further enlargements to be 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 October 18, 2011.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

-against-

M-3287  
Ind. No. 6596/04

Lorenzo Culbero,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 16, 2008 (Appeal No. 4828), unanimously modifying a judgment of the Supreme Court, New York County (Arlene R. Silverman, J., at suppression hearing; Maxwell Wiley, J., at jury trial and sentence), rendered on January 11, 2006,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Sallie Manzanet-Daniels, Justices.

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

-against-

M-2700  
Ind. No. 4625/06

Bruce Sweeper,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 4, 2010 (Appeal No. 2296), unanimously affirming a judgment of the Supreme Court, New York County (Ronald Zweibel, J.), rendered on August 4, 2008,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

Present - Hon. David B. Saxe, Justice Presiding,  
Leland G. DeGrasse  
Helen E. Freedman  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels, Justices.

-----X  
In the Matter of

Yelissa A., M-1962A  
Justin A., and Docket Nos. NN18013/09  
Andrew A., NN18014/09  
NN18015/09

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

-----  
Administration for Children's Services,  
Petitioner-Respondent,

Jesus A.,  
Respondent-Appellant,

Persida A.,  
Respondent-Appellant.

-----  
Bethany Prey, Esq., The Legal Aid  
Society, Juvenile Rights Division,  
Attorney for the Children.

-----X

Respondent-appellant mother Persida A., 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 March 8, 2011, 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, Steven N. Feinman, Esq., One North Broadway, Suite 412, White Plains, New York 10601, Telephone No. 914-949-8214, as counsel for purposes of

prosecuting the appeal;(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available 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, **which the Clerk of the Family Court is to effect upon receipt of service of this order;** and (4) appellant is directed to perfect this appeal in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.** The order of this Court entered on June 9, 2011 (M-1962), is hereby recalled and vacated.

ENTER:

  
CLERK

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<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 October 18, 2011.

Present - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Rolando T. Acosta  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3945  
Ind. No. 1503/10

Edward D. Fletcher,  
Defendant-Appellant.

-----X

An order of this Court having been entered on December 16, 2010(M-5183), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about June 30, 2010, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Helen E. Freedman  
Sallie Manzanet-Daniels, Justices.

-----X

In re Mable James,  
Petitioner,

-against-

M-3318  
Index No. 105722/10

New York City Department of Housing  
Preservation and Development, et al.,  
Respondents.

-----X

Respondent New York City Department of Housing Preservation and Development 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 June 23, 2011 (Appeal No. 5429),

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 October 18, 2011.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick  
Nelson S. Román, Justices.

-----X  
Patrick J. Hoeffner,  
Plaintiff-Appellant,

-against-

M-3381  
Index No. 602694/05

Orrick, Herrington &  
Sutcliffe LLP, et al.,  
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 7, 2011 (Appeal No. 5289),

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 October 18, 2011.

PRESENT: Hon. David Friedman, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

-against-

M-2522  
Ind. No. 5967/06

Michael Dugan,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 11, 2008 (Appeal No. 4812), unanimously affirming a judgment of the Supreme Court, New York County (Michael Obus, J.), rendered on December 20, 2007,

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

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

It is ordered that said application is denied.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----x  
In the Matter of a Proceeding for  
Support Under Article 4 of the  
Family Court Act.

-----  
Salvatore D.,  
Petitioner-Respondent,

M-3478  
Docket No. F-12354/08

-against-

Shyou H.,  
Respondent-Appellant.

-----x  
An appeal having been taken to this Court from the order and judgment (one paper) of the Family Court, New York County, entered on or about July 13, 2010,

And petitioner-respondent having moved for an order, pursuant to FCA § 438(a) and/or 22 NYCRR 130-1.1(c) , directing respondent-appellant to pay the fee of petitioner-respondent's counsel,

Now, upon reading and filing the papers with respect to the motion, and the notice of withdrawal filed by Fersch Petitti, LLC (Danielle R. Petitti, of counsel) and due deliberation having been had thereon,

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

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 October 18, 2011.

PRESENT: Hon. Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

-against-

M-3237  
Ind. No. 54/07

Mark James, also known as Mark Townsend,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 8, 2010,

And defendant-appellant having moved to discontinue 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 deeming the appeal withdrawn.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

PRESENT: Hon. Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Leo Jennings,  
Plaintiff-Appellant,

-against-

Babatunde Adisa,  
Defendant-Respondent.

M-3362  
Index No. 23438/03

-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 17, 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 and the appeal is dismissed.

ENTER:

  
CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
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.

Ruth L.,  
Petitioner-Respondent,

-against-

M-3256  
Docket No. V-17772/07

Robert Edward Z.,  
Respondent,

Clemese Theresa J.,  
Respondent-Appellant.

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

Clemese Theresa J.,  
Petitioner-Appellant,

-against-

Docket No. V-24935/07

Robert Edward Z.,  
Respondent,

Ruth L.,  
Respondent-Respondent.

-----X

Appeals having been taken to this Court from the order of Custody and Visitation of the Family Court, Bronx County, entered on or about June 27, 2011 [Docket No. V17772/07], and from an order of Dismissal of said Court entered on or about June 27, 2011 [V24035/07], respectively,

And appellant mother having moved for leave to prosecute the appeals as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Israel Inyama, Esq., 244 Fifth Avenue, Ste. 2582, New York, New York 10001, Telephone No. 646-595-9090, as counsel for purposes of prosecuting the appeals; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the records 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 records from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order;** and (4) appellant is directed to perfect the appeals, in compliance with Rule 600.11 of the Rules of this Court, **within 60 days** of receipt of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

  
CLERK

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<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 in the County of New York on June 12, 2012.

Present - Hon. Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

M-3049A  
Ind. Nos. 593/09  
1887/07  
23673C/07  
23474C/07  
2183/07

-against-

Gaetano D'Attore,  
Defendant-Appellant.

-----X

An order of this Court having been entered on June 14, 2011 (M-5480), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about April 11, 2011, under Indictment No. 593/09, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the aforementioned order to include the judgment of said Court rendered on or about July 1, 2010, under Indictment No. 593/09,

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

It is ordered that said motion is granted to the extent of amending defendant's aforementioned order to include the judgment of said Court rendered on or about July 1, 2010, and extending the poor person relief previously granted to cover same, and it is further,

Ordered that the court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **resentence** and 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. The order of this Court entered on October 18, 2011 (Corrected Order October 26, 2011) is hereby recalled and vacated.

ENTER:



CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

Present - Hon. Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

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

Respondent,

-against-

M-3341  
Ind. No. 3261/08

Julian Silva,

Defendant-Appellant.  
-----x

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

And defendant-appellant having moved for an enlargement of time to perfect the aforesaid appeal, and for leave to be provided with the pre-sentencing report issued by the Department of Probation,

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 in its entirety, and the time to perfect the appeal is enlarged to the February 2012 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 October 18, 2011.

Present: Hon. Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
MBIA Insurance Corporation,

Plaintiff-Respondent,

-against-

Countrywide Home Loans, Inc., et al.,

Defendants-Appellants.  
-----X

**M-3432**

**M-3630**

**M-3597**

Index No. 602825/08

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 25, 2011,

And an appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 30, 2011 (mot. seq. no. 029),

And defendants having moved by separate motions (M-3432 and M-3630) to stay enforcement of the aforesaid order entered on June 30, 2011 pending hearing and determination of the appeals,

And defendants also having moved to consolidate the aforesaid appeals (M-3597),

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

Ordered that the motion for consolidation (M-3597) is granted and defendants are directed to perfect the consolidated appeals for the February 2012 Term. Defendants' motions seeking a stay of enforcement of the order entered on June 30, 2011 are granted on condition that the consolidated appeals are perfected for said February 2012 Term.

ENTER:

  
CLERK

PM ORDERS

ENTERED ON

OCTOBER 18, 2011

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 18, 2011.

PRESENT - Hon: Helen E. Freedman, Justice Presiding,  
Rosalyn H. Richter  
Sheila Abdus-Salaam  
Sallie Manzanet-Daniels  
Nelson S. Román, Justices.

-----X  
Deephaven Distressed Opportunities  
Trading, Ltd., et al.,  
Plaintiffs-Respondents,

-against-

M-4315

Index No. 600610/08

3V Capital Master Fund Ltd., et al.,  
Defendants.

-----X  
3V Capital Master Fund Ltd.,  
Third-Party Plaintiff,

-against-

Third-Party  
Index No. 590803/08

Imperial Capital, LLC,  
Third-Party Defendant-Appellant,

Post Distressed Master Fund, LP, et al.,  
Third-Party Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 1, 2011, and said appeal having been perfected,

And an order of this court having been entered on September 15, 2011 (M-3681) staying arbitration pending hearing and determination of said appeal,

And an interim order of this Court having been entered on September 22, 2011 staying enforcement of the aforesaid order of this Court (M-3681), entered on September 15, 2011,

And plaintiffs having moved for an order vacating the aforesaid order of this Court,

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

It is ordered that the motion is granted to the extent of continuing the interim relief granted by a Justice of this Court, dated September 22, 2011, pending hearing and determination of the perfected appeals, and 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 October 18, 2011.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
In the Matter of the Application of  
Mark A. Landis, Temporary Guardian  
of the Property,

Petitioner-Respondent,

**M-3446**

**M-3445**

For the Appointment of a Guardian for

Index No. 500155/10

Lea D., also known as Claire H.,  
also known as Claire D.,  
Respondent-Appellant,

An Alleged Incapacitated Person.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 13, 2011,

And an order of this Court having been entered on July 21, 2011 (M-2820), staying enforcement of the aforesaid order of the Supreme Court, entered on or about June 13, 2011, including trial, on condition said appeal is perfected for the November 2011 Term,

And an interim order of a Justice of this Court dated July 28, 2011 having granted the application of Barbara H. Urbach Lissner, Esq., to act as temporary personal needs guardian of Lea D.,

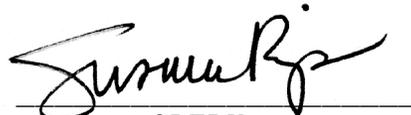
And David D. having moved for modification of certain aspects of the order of this Court entered on July 21, 2011 (M-2820),

And Barbara H. Urbach Lissner, Esq., temporary guardian of Lea D., having cross-moved for clarification that she remains as guardian of Lea D. (M-3445),

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-3446) is granted to the extent that the Supreme Court, New York County, is not precluded from appointing movant David D. (or another appropriate person) as Temporary Guardian of the Person of Lea D., pending hearing and determination of the appeal and otherwise denied. The interim order of a Justice of this Court, dated July 28, 2011, is vacated. The cross motion (M-3445) 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 October 18, 2011.

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

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

-against-

M-4439  
Index No. 107264/09

Andrew J. Spinnell,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about September 28, 2010,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before December 5, 2011 for the February 2012 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 October 18, 2011.

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

-----X  
Seth R. Rotter,  
Plaintiff-Respondent,

-against-

M-4084  
Index No. 600609/06

Alan S. Ripka, et al.,  
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect their appeal from orders and a judgment (same Court and Justice) of the Supreme Court, New York County, entered on or about September 15, 2010 and November 17, 2010, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2012 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 October 18, 2011.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
Rosalyn H. Richter  
Sallie Manzanet-Daniels, Justices.

-----X

In the Matter of the Application of  
Stephanie G. Devins,  
Petitioner-Appellant,

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

-against-

M-4087  
Index No. 402427/09

New York City Housing Authority,  
Respondent-Respondent.

-----X

Respondent-respondent having moved to dismiss the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 21, 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 to dismiss the appeal is granted unless the appeal is perfected for the February 2012 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serve a copy of this order upon the appellant within ten 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 October 18, 2011.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

**M-4283**

Ind. No. 1664/09

Dewayne Robinson, also known as  
Dewayne Robertson,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about October 6, 2010,

And an order of a Justice of this Court, dated November 5, 2010 having, inter alia, granted defendant bail and a stay of execution of the aforesaid judgment for 120 days upon certain conditions,

And an order of this Court having been entered on August 18, 2011 (M-2410) reinstating and continuing the stay of execution granted by the order of a Justice of this Court dated November 5, 2010 on condition that the appeal be perfected for the December 2011 Term,

And defendant having moved for continuation of bail and stay of execution of the aforesaid judgment of the Supreme Court, Bronx County, rendered on or about October 6, 2010 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 and the stay of execution of the aforesaid judgment is continued upon the same terms and conditions as stated in the order of a Justice of this Court dated November 5, 2010, and upon further condition that defendant perfects the aforesaid appeal on or before January 3, 2012 for the March 2012 Term. Upon failure to comply with the foregoing conditions within the time specified (or any extension thereof as may be granted), defendant shall surrender himself to Supreme Court, Bronx County or the execution of said sentence shall be resumed.

ENTER :

  
CLERK