

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Deborah Privitello as Administrator of
the Estate of Michael Privitello, Jr.,
and Deborah Privitello, individually,
Plaintiff-Respondent,

-against-

SEALED

Frank Weiser, M.D., David H. Snyder, M.D.,
Diego J. Herberstein, M.D., N.Y.
Neurological Associates, P.C., Mark
Kupersmith, M.D., JP Mohr, M.D., Anders
Cohen, M.D., Thomas Poole, M.D., and New
York Presbyterian Hospital,
Defendants-Respondents,

M-807
Index No. 150447/07

Siberstein, Awad & Miklos, P.C.,
Non-Party-Attorney-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 23, 2008 (mot. seq. no. 001),

Now, upon reading and filing the communication from appellant's counsel dated March 4, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Conrad P. Seghers, et al.,

Plaintiffs-Appellants,

-against-

M-1613X
Index No. 603082/06

Spear Leeds & Kellogg, L.P.,

Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 25, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" March 19, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

M-1688

-against-

Ind. No. 1479/06

Richard DeGuzman,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 25, 2006,

Now, upon reading and filing the stipulation of the parties hereto, dated March 19, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
In the Matter of

Hassan B.,
A Person Alleged to Be a Juvenile Delinquent,
Appellant.
M-1673
Docket No. D2725/07

-----X


An appeal having been taken from the order of the Family Court, Bronx County, entered on or about September 28, 2007,

And an order of this Court having been entered January 8, 2008 (M-6579), inter alia, deeming the aforesaid appeal withdrawn,

And appellant's counsel, having moved by duplicative motion for the same relief (M-1673),

Now, upon reading and filing the papers with respect to the motion, and the correspondence of appellant's counsel, dated December 17, 2007, and due deliberation having been had thereon, it is

Ordered that the motion is denied as moot. (See M-6579 entered January 8, 2008, a copy of which is annexed hereto.)

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 January 8, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
In the Matter of

Hassan B.,

A Person Alleged to Be a Juvenile
Delinquent,

M-6579

Docket No. D2725/07

Appellant.
-----X

Appellant by his assigned counsel Steven Banks, Esq., having moved for leave to withdraw the appeal from the order of the Family Court, Bronx County, entered on or about September 28, 2007,

Now, upon reading and filing the papers with respect to the motion, and the correspondence of appellant's counsel, dated December 17, 2007, including appellant's waiver of right to appeal, dated December 3, 2007, and due deliberation having been had thereon, it is

Ordered that the motion is granted and the appeal is deemed withdrawn in accordance with the aforesaid correspondence.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
David Friedman
James M. Catterson
Karla Moskowitz, Justices.

-----X
David Fontanez,

Plaintiff-Appellant,

-against-

M-1096
M-1235
M-1371
M-1400

Lehrer McGovern Bovis, Inc./Bovis
Lend Lease LMB, Inc., et al.,

Index No. 18801/05

Defendants-Respondents,

Jenna Concrete Corp.,

Defendant.

-----X

Defendant-respondent, Perkan Concrete Corp., having moved for dismissal of the appeal taken by plaintiff from the order of the Supreme Court, Bronx County, entered on or about January 14, 2008 (M-1096),

And defendants-respondents, Daurio & Russo & Sons Construction Co., Inc. (M-1235), Lehrer McGovern Bovis, Inc., and Bovis Lend Lease LMB, Inc. (M-1371), and Ahern Contractors Corp. (M-1400), respectively, having all cross-moved for the same relief,

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

It is ordered that the motion and cross motions are granted and the appeal is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, 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-1440
Ind. No. 1579/04

Timothy Baker,
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 28, 2008, 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, 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-1441
Ind. No. 3787/04

Luis Bracho,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 4, 2005 and from the judgment of resentence rendered on or about March 23, 2005, 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, Tel. 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, 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-1444
Ind. No. 1686/07

Rosendo Lewis,
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 March 10, 2008, 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.

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.

E N T E R:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, 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-1445
Ind. No. 586/07

Scott Liden,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 25, 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, 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, Tel. 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, 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-1447
Ind. No. 3595/07

Nelson Miranda,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 20, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

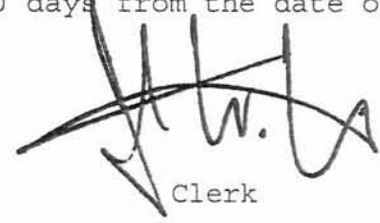
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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.

E N T E R:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, 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-1451
Ind. No. 4078/07

Keith Plummer,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 26, 2008, 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, 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-1452
Ind. No. 2655/05

Ernest Robinson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 18, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

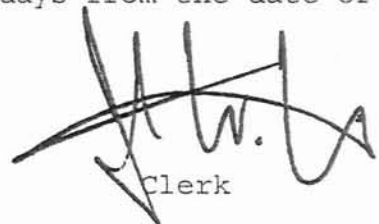
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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, 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.

E N T E R:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, 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-1453
Ind. No. 1444/07

Isidro Rodriguez, also known as
Isidro P. Rodriguez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 27, 2008, 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, 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-1458
Ind. No. 2043/05

Jarvis Cromwell,
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 March 3, 2008, 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, Tel. 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, 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-1443
Ind. No. 1406/07

Carolina Clementi,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 20, 2008, 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 deeming the defendant's correspondence filed March 12, 2008 as a timely filed notice of appeal and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Tel. 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

Present: Hon. Jonathan Lippman, 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-1358
Ind. No. 597/72

Francis Harrison,
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 (Charles J. Tejada, J.) entered on or about February 13, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

Present: Hon. Jonathan Lippman, 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-1446
Ind. No. 1692/01

Eduardo Medina,
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 (Roger S. Hayes, J.) entered on or about December 13, 2007, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
David Friedman
Milton W. Williams
Rolando T. Acosta, Justices.

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

-against-

M-1228
Ind. No. 2667/07

Michael Brizan, also known as
Michael Brizen,
Defendant-Appellant.

-----x

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 18, 2007, 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 ten 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.

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
John T. Buckley
Karla Moskowitz, Justices.

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

-against-

M-1176
Ind. No. 2759/05

Gerardo A. Yanayaco,
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 February 11, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, Francisco Napolitano, Esq., and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice
Peter Tom
John T. Buckley
Karla Moskowitz, Justices.

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

M-857 & M-1150

-against-

Index No. 1104/95

Donnell Thomas, also known as
Raymond Rodriguez,
Defendant-Appellant.

-----X

An order of this Court having been entered on November 20, 2007 (M-4973), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 6, 2007,

And defendant-appellant having moved pro se to relieve assigned counsel, Steven Banks, Esq., and to substitute other counsel to prosecute defendant's appeal (M-857),

And assigned counsel, Steven Banks, Esq., having moved for the same relief (M-1150),

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

It is ordered that the motions are granted to the extent of 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 April 8, 2008.

Present - Hon. Jonathan Lippman, Justice Presiding,
Peter Tom
John T. Buckley
Karla Moskowitz, Justices.

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

-against-

M-1160
Ind. No. 3722/06

Morris LaSalle,
Defendant-Appellant.
-----X

An order of this Court having been entered on April 19, 2007 (M-1593), 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 February 22, 2007, 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 April 8, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice
Peter Tom
Milton L. Williams
Rolando T. Acosta, Justices.

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

M-925

-against-

Ind. No. 3830/06

James Henderson,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 12, 2007 (M-1439) 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 February 21, 2007,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, 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 April 8, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
Eugene Nardelli
Milton L. Williams
Karla Moskowitz, Justices.

-----X
AJ Contracting Company, Inc.,
Plaintiff,

-against-

Farmore Realty Inc., etc., et al., Index No. 604704/99
Defendants,

The American Casualty Company of
Reading, PA,
Defendant-Appellant.

M-1055

PRG Planning & Development LLC,
Plaintiff-Respondent,

-against-

Latenite Magic, Inc., et al., Index No. 114077/99
Defendants,

Conseco Variable Life Insurance
Company, et al.,
Intervenors-Defendants-Appellants.

-----X

Plaintiff-respondent PRG having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 22, 2008 (Appeal No. 2581),

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Milton W. Williams
Rolando T. Acosta, Justices.

-----X
Viga Investments, Inc.,
Plaintiff-Appellant,

-against-

Mittal Steel, USA, Inc.,
Defendant-Respondent,

-and-

Mittal Steel USA, Inc., Arcelor
Mittal Mexico Holdings B.V.,
Mittal Steel Company N.V., and
Arcelor Netherlands B.V.,
Counterclaim Plaintiffs-Respondents,

M-1384
Index No. 602294/07

-against-

Viga Investments, Inc., Siderurgica
Del Pacifico, S.A. DE C.V., and
Conjunto Siderurgico Del Balsas,
S.A. DE C.V.,
Counterclaim Defendants-Appellants,

-and-

USB AG,
Nominal Counterclaim Defendant.

-----X

Plaintiff-appellant Viga having moved for a stay of arbitration pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 25, 2008 (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:

A handwritten signature in black ink, appearing to be 'J.W.L.', is written over the word 'Clerk.'.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on April 8, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Eugene Nardelli
Milton L. Williams, Justices.

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

-against-

M-1242
Ind. No. 3878/04

Ramon Martinez,
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 January 9, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Steven Banks, Esq., 199 Water Street, 5th Fl., New York, NY 10038, Tel. 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. Sua sponte, the appeal is consolidated with appellant's appeal from the judgment of said court entered on or about April 7, 2005. (See M-2411 entered June 21, 2005, a copy of which is annexed hereto).

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on June 21, 2005.

Present: Hon. John T. Buckley, 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-2411
Ind. No. 3878/04

Ramon Martinez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 7, 2005, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Laura R. Johnson, Esq., 199 Water Street, 5th Floor, New York, New York 10004, 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:

Catherine O'Hagan Wolfe

Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Eugene Nardelli
Milton W. Williams, Justices.

-----X
Donald J. Trump, etc., et al.,
Plaintiffs-Appellants,

-against-

M-1345
Index No. 602877/05

Henry Cheng, et al.,
Defendants-Respondents.
-----X

Plaintiff Trump having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about September 19, 2006 and the underlying order of the same Court and Justice entered on or about July 27, 2006,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the November 2008 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
John W. Sweeny, Jr., Justices.

-----X
1050 Tenants Corp.,
Petitioner-Landlord-Respondent,

-against-

M-816
Index No. 570673/05

Steven Lapidus and Iris Lapidus,
Respondents-Tenants-Appellants.

-----X

Respondents-tenants-appellants having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about October 23, 2007,

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

Ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
Milton L. Williams
James M. McGuire, Justices.

-----X
Loral Space & Communications Holdings Corporation,
Plaintiff-Respondent,

-against-

M-1197
Index No. 603175/05

Rainbow DBS Holdings, Inc., et al.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 19, 2008 (Appeal Nos. 2803/2803A/2803B),

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Milton W. Williams
John T. Buckley
Rolando T. Acosta, Justices.

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

-against-

Andrea Albarado,
Defendant-Appellant.

M-680
Ind. Nos. 6877/02
3629/03

-----X

Defendant having taken appeals taken from judgments of the Supreme Court, New York County, rendered on or about February 22, 2005 and March 3, 2005, respectively,

And, respondent having moved to dismiss the appeal from the judgment entered on or about March 3, 2005,

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

It is ordered that the motion is denied with leave to renew should appellant fail to perfect the appeals, which are sua sponte consolidated, for the September 2008 Term, for which Term appellant is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Luis A. Gonzalez
Rolando T. Acosta, Justices.

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

-against-

M-1394
Ind. No. 3453/06

Juan Aboy,
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 (Renee A. White, J.) entered on or about January 23, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. McGuire, Justices.

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

-against-

M-1196
Ind. No. 2934/04

Edelmiro Cesario,
Defendant-Appellant.
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 18, 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, 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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Luis A. Gonzalez
Rolando T. Acosta, Justices.

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

-against-

M-1288
Ind. Nos. 4151/06
1830/07

Leonard Swinton,
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 February 7, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to post the \$20,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Luis A. Gonzalez
Rolando T. Acosta, Justices.

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

-against-

M-1324
Ind. No. 6436/06

Cornelius Karejaah,
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 February 29, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, Larry Sheehan, Esq., and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:


Clerk.

W

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Luis A. Gonzalez
Rolando T. Acosta, Justices.

-----X
In the Matter of Application of
Albany Manor Inc.,
Petitioner,

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

M-1243
Index No. 100414/08

-against-

New York State Liquor Authority,
Respondent,
-----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 February 29, 2008, to review a determination of respondent,

And, petitioner having moved to stay license revocation pending hearing and determination of the aforesaid proceeding,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court, dated March 5, 2008, is vacated.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Milton W. Williams
James M. Catterson, Justices.

-----X
In the Matter of

Kayla W.,

A Child Under the Age of 18 Years
Alleged to be Neglected by

M-1681
Docket No. N9186/05

Atara W.,
Respondent-Appellant,

-against-

Administration for Children's Services,
Petitioner-Respondent.

-----X

A decision and order of this Court having been entered on January 31, 2008, affirming the Order of the Family Court, New York County (Sara P. Schecter, F.C.J.), entered on or about January 6, 2006 (Catterson and Kavanagh, JJ. dissenting in a memorandum by Catterson, J.) (Appeal No. 1911), a copy of which is annexed hereto,

And respondent-appellant's counsel having moved this Court by affirmation filed March 17, 2008, to "Certify this case to the Court of Appeals", and it appearing that movant has chosen the incorrect forum to obtain the relief requested,

It is ordered that the papers submitted herein are respectfully transferred to the Court of Appeals (See CPLR 5601[a]).

ENTER:


Clerk.

Mazzarelli, J.P., Marlow, Williams, Catterson, Kavanagh, JJ.

1911 In re Kayla W.,
A Child Under the Age
of Eighteen Years, etc.,

Atara W.,
Respondent-Appellant,

Commissioner of the Administration For
Children's Services,
Petitioner-Respondent.

Kenneth M. Tuccillo, Hastings-On-Hudson, for appellant.

Michael A. Cardozo, Corporation Counsel, New York (Susan B. Eisner of counsel), for respondent.

Tamara A. Steckler, The Legal Aid Society, New York (Susan Clement of counsel), Law Guardian.

Order of disposition, Family Court, New York County (Sara P. Schecter, J.), entered on or about January 6, 2006, which, after a fact-finding determination of neglect, placed the subject child in the custody of the Commissioner of Social Services of New York County for six months, affirmed, insofar as it brings up for review the fact-finding determination, and the appeal therefrom otherwise dismissed, without costs.

The finding of neglect is supported by a preponderance of the evidence which established that respondent suffers from a mental illness, namely, major depressive disorder, and, as a result, presently is and for the foreseeable future will be

unable to adequately care for the child (see *Matter of Laura D.*, 270 AD2d 260 [2000]; see also *Matter of Naticia Q.*, 195 AD2d 616, 617-618 [1993]). In particular, Dr. Matta, deemed an expert in the field of psychiatry, testified that, at his initial interview with respondent following her admission to St. Vincent's Hospital, respondent was "very depressed and tearful," "not very cooperative with the interview," and did not want to discuss her symptoms. Before Dr. Matta was able to conduct a second interview three days later, respondent became "extremely agitated," exhibited "low frustration tolerance," was tearful, and unable to respond to verbal direction. In addition, respondent was cursing at and threatening the staff. Consequently, respondent had to be sedated and restrained. When Dr. Matta finally was able to interview respondent, she exhibited poor insight into her condition and the need for treatment. The next day, respondent punched a wall so hard that she caused visible damage to her hand.

Contrary to respondent's contention, Dr. Matta did relate respondent's behavior, lack of insight, inability to cope, poor judgment, and poor prognosis for follow-up treatment to her ability to care for her daughter. Specifically, Dr. Matta testified that "at that time, given [respondent's] impulsivity and inability to care for her child, ... she would be a danger to

her child ..."

Dr. Moore, a psychologist at Covenant House, met with respondent before referring her to St. Vincent's. Dr. Moore testified that during their session, respondent was "extraordinarily tired" and "very unresponsive." Although Dr. Moore eventually elicited a slight response during the session, respondent exploded when, after being told that a taxi would be provided for her transportation home, she was given a MetroCard instead. Even after being advised that a taxi would still be provided, respondent "started screaming and yelling and waving her hands in the air." Dr. Moore testified that respondent "threw her pocketbook down and ...said...she was fed up with everybody and everything." In addition, Dr. Moore testified that the child was frightened, and the doctor was concerned for the child's safety.

A single incident "where the parent's judgment was strongly impaired and the child exposed to a risk of substantial harm" can sustain a finding of neglect (*Matter of Pedro C. [Josephine B.]*), 1 AD3d 267, 268 [2003]). Here, respondent's behavior was not limited to a single incident. Rather, respondent's poor impulse control, poor insight into her condition and depression continued over the course of several days. From this evidence, the doctors concluded a concomitant inability to care adequately for the

child (see e.g. *Matter of Jason Brian B.*, 33 AD3d 995 [2006];
Matter of Aaron MM., 152 AD2d 817 [1989]). In addition, it does
not avail respondent that the child did not suffer actual injury
(see *Matter of Pedro C. [Josephine B.]*, 1 AD3d at 268).

All concur except Catterson and Kavanagh, JJ.
who dissent in a memorandum by Catterson, J.
as follows:

CATTERSON, J. (dissenting)

Because, in my view, the petitioner utterly failed to submit sufficient admissible proof to establish that appellant mother neglected her child, Kayla W., as a result of her mental illness, I respectfully dissent.

In support of its allegations that the appellant suffers mental illness, the petitioner relies almost entirely on the testimony of two doctors. The first, Dr. Moore, a psychologist employed by Covenant House Homeless Shelter, interviewed the appellant for two hours and initially recommended sending her to the Foundling Hospital for a period of rest because she seemed physically exhausted.

On the way out of Covenant House, with no cab fare, carrying her two-year-old daughter in her arms, and discovering that she faced a 10-block walk to the subway, the appellant became agitated. Consequently, Dr. Moore coaxed the appellant into a cab by asking her whether she would like to go to the hospital to get some rest. However, instead of sending her to the Foundling Hospital, Dr. Moore sent the appellant to St. Vincent's Hospital for mental evaluation without informing the appellant of her destination.

At St. Vincent's, Dr. Matta, the second doctor to testify for the petitioner, observed the appellant for no more than a

week after she was admitted. Dr. Matta testified that, while the appellant was severely depressed she was "without psychosis" and that her agitated and depressed mental state was a result of stress due to traumatic experiences including being homeless, suffering a miscarriage in the prior week and a history of physical and sexual abuse and domestic violence.¹

Specifically, Dr. Matta's opinion of the appellant's condition was that she suffered from major depressive disorder, without psychosis, and post traumatic stress disorder. In Dr. Matta's opinion, the appellant was unable to take care of her daughter because of emotional volatility, and the fact that the appellant required Haldol injections to calm her on a *couple of occasions* during her stay at the hospital. Dr. Matta further testified that, as the appellant's stay at the hospital progressed "she became more cooperative."

It is well established that to support a finding of neglect the petitioner is required to prove by a preponderance of the evidence that the physical, mental or emotional condition of the appellant's child is in imminent danger of becoming impaired due

¹It is important to note that the first time the appellant became aware that she was not admitted to a hospital for exhaustion was when she awoke the next day in the psychiatric ward subject to a psychiatric hold. Needless to say, this came as something of a shock to the appellant.

to the appellant's mental condition. FAM. CT. ACT § 1046[b][i];
FAM. CT. ACT § 1012 [f][i]. Further, Social Services Law
§ 384-b[6] defines mental illness as:

"an affliction with a mental disease or mental condition which is manifested by a disorder or disturbance in behavior, feeling, thinking or judgment to such an extent that if such child were placed in or returned to the custody of the parent, the child would be in danger of becoming a neglected child as defined in the family court act."

In my opinion, the psychiatric testimony provided by Dr. Moore and Dr. Matta was simply insufficient to satisfy the petitioner's burden of proof of establishing that the appellant suffered from a mental illness. Neither doctor observed the appellant for any extended period. Moreover, both doctors met and evaluated the appellant just a week after she had experienced the trauma of a miscarriage. Cf. Matter of Jesse DD. 223 A.D.2d 929, 931, 636 N.Y.S.2d 925, 927 (3rd Dept. 1996), lv. denied, 88 N.Y.2d 803, 645 N.Y.S.2d 445, 668 N.E.2d 416 (1996) (where the court relied on the testimony of five mental health professionals over a five month period).

Further, Dr. Moore initially diagnosed physical exhaustion, which in my view, could have been a reasonable explanation for the appellant's outburst when faced with the long walk to the subway with the added burden of carrying a two-year-old. Later, the appellant characterized her agitation by acknowledging in her

testimony that she had "lost it." The act of "losing it" in what was undeniably a stressful situation prompted Dr. Moore to immediately send the appellant for a psychiatric evaluation in a hospital. It does not warrant further conjecture as to the consequences of treating every mother who temporarily "loses it" in the same way as appellant was treated. Lastly, while a parent need not be psychotic for the court to find neglect based upon mental illness, the finding that a parent is "without psychosis," as in this case, remains relevant. See Matter of G.A.B., 4 Misc. 3d 1011(A), 791 N.Y.S.2d 869 (N.Y. Fam. Ct. 2004) (court relied on lack of psychotic symptomatology in dismissing petition).

In the light of the foregoing, I believe there is insufficient evidence to conclude that the appellant was mentally ill within the meaning of the Social Services Law. See Social Services Law § 384-b[6]. In any event, even assuming arguendo that the evidence permitted an inference that the appellant suffers from mental illness, I further believe that a finding of neglect is not warranted where, as here, there is no demonstration of any threat to the welfare of the appellant's child. Matter of G.A.B., supra.

It is well settled that proof of mental illness alone will not support a finding of neglect. The evidence must establish a causal connection between the respondent's condition, and actual

or potential harm to the child. See Matter of H. Children, 156 A.D.2d 520, 548 N.Y.S.2d 586 (2d Dept. 1989) (where petitioner proved some mental illness but did not show it had an effect on the children); Matter of Erica M., 206 A.D.2d 876, 615 N.Y.S.2d 152 (4th Dept. 1994).

The petitioner contends that the appellant's child was subject to an imminent threat of harm due to the appellant's mental illness. Yet, petitioner has failed to submit sufficient evidence to connect the appellant's condition with the strong probability of future neglect. See id. at 877, 615 N.Y.S.2d at 153 (error to find neglect where there was some evidence of mild mental instability, specifically that the respondent was "deteriorating," needed an in-patient examination, and was manic-depressive but no proof that the child was in danger).

On the contrary, the record evinces that the appellant exhibits a considerable concern for the welfare of her child. She has visited her child regularly with just a couple of missed visitations due to her need to find housing; she has successfully found adequate housing for herself and her child; and she has agreed to therapy, to take medications and to attend a parenting class. Furthermore, the petitioner's caseworker, Roy Warren, despite his recommendation that Kayla W. should not be returned to her mother based on her failure to comply with referrals,

testified that the interaction between the appellant and her child during visitations was good, that the child was "very taken to her mother" and that the appellant "shows a lot of care and attention to the child."

While the petitioner points to the appellant's outburst in front of her child on the evening she was sedated at Covenant House as evidence of maltreatment of her child, there is simply a lack of proof concerning the impact of this incident on the child's physical, mental or emotional condition. Nor is there any proof that the incident was part of a pattern of aberrant behavior. Matter of Susan "B", 102 A.D.2d 938, 477 N.Y.S.2d 759 (3rd Dept. 1984)

The only evidence submitted to support a finding that Kayla W. was placed in imminent harm was the testimony of Dr. Moore, a witness to the incident, who stated that Kayla W. was frightened by her mother's outburst. A single incident of this kind, where the parent's judgment was strongly impaired by exhaustion and the trauma from experiencing a miscarriage in the prior week, and where there was no injury and the danger to the child was not great, does not constitute neglect. See Matter of Amanda E., 279 A.D.2d 917, 719 N.Y.S.2d 763 (3rd Dept. 2001) (given the circumstances under which the altercation occurred and the isolated nature of father's admittedly inappropriate conduct,

father's conduct in striking his daughter did not constitute abuse or neglect). It is worth repeating here that not all objectionable parental behavior falls within the legal definition of neglect. Matter of William EE, 157 A.D.2d 974, 550 N.Y.S.2d 455 (3rd Dept. 1990).

Finally, where the petitioner points to the testimony of the doctors as to the appellant's lack of insight into her condition and her non-compliance with medication and treatment as evidence that her daughter is subject to an imminent risk of harm, this testimony is undermined by the brevity of contact that these doctors had with the appellant. In any event, the appellant explicitly testified that if given medication, and if referred to therapy once a week, she would cooperate. Cf. Matter of Domaniqua H. (Arlene H.), 1 A.D.3d 438, 766 N.Y.S.2d 900 (2d Dept. 2003), lv. denied, 1 N.Y.3d 507, 776 N.Y.S.2d 539, 808 N.E.2d 859 (2004) (where the finding of neglect was supported by a preponderance of the credible evidence, which demonstrated that the mother's mental illness and refusal to undergo psychiatric treatment placed her child in imminent danger).

Although it is well settled that neither expert testimony nor a definitive psychiatric diagnosis are necessary to establish a finding of neglect predicated upon a parent's mental illness

(Matter of Caress S., 250 A.D.2d 490, 673 N.Y.S.2d 123 (1st Dept. 1998); Matter of Zariyasta S., 158 A.D.2d 45, 557 N.Y.S.2d 895 (1st Dept. 1990)) nevertheless, the quantum of proof should, at the very least, include demonstrable behavioral manifestations on the part of the parent sufficient to support a conclusion that there would be a "substantial probability of neglect" causing the subject child to be at risk if placed in the parent's custody. Matter of Baby Boy E., 187 A.D.2d 512, 512, 589 N.Y.S.2d 587, 588 (2d Dept. 1992); Matter of Eugene G., 76 A.D.2d 781, 429 N.Y.S.2d 17 (1980), lv. dismissed, 51 N.Y.2d 878 (1980).

I fail to see that such a conclusion is permitted here. Therefore, I would reverse the finding of neglect and dismiss the neglect petition.

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: JANUARY 31, 2008


CLERK

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Milton L. Williams
James M. McGuire, Justices.

-----X

Troy Hazel, et al.,

Plaintiffs-Respondents,

M-481

-against-

Index No. 8400/01

Kristaq Nika, et al.,

Defendants-Appellants.

-----X

A decision and order of this Court having been entered on May 22, 2007 (Appeal No. 9975), reversing the judgment of the Supreme Court, Bronx County, entered on or about August 31, 2005, which awarded plaintiffs a certain money judgment, and remanding the matter for a new trial,

And plaintiffs-respondents having moved for resettlement of the aforesaid decision and 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 denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. Catterson
Rolando T. Acosta, Justices.

-----X
In the Matter of the Arbitration
of Certain Controversies between
Joan Hansen & Company, Inc.,
Petitioner-Respondent,

M-1460

-and-

Index No. 107114/05

Everlast World's Boxing Headquarters
Corp.,
Respondent-Appellant.
-----X


An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 14, 2008 (mot. seq. no. 003),

And respondent-appellant having moved to stay arbitration hearings, 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 on condition that the appeal is perfected for the September 2008 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent 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 April 8, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Milton W. Williams
James M. McGuire
Rolando T. Acosta, Justices.

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

-against-

M-35
Ind. No. 5734/05

Amin Perez, also known as
Amin S. Perez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about April 17, 2007, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellants brief, and for related relief,

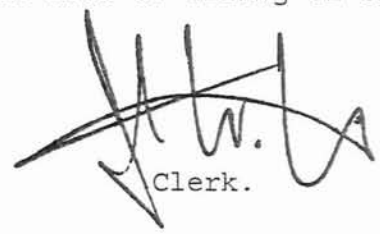
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice of appeal as timely filed and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellants brief, on condition that appellants 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 appellants counsel, without charge, the transcripts to be returned to this Court when appellants 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 appellants shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

Present - Hon. Richard T. Andrias, Justice Presiding,
Luis A. Gonzalez
Eugene Nardelli
John W. Sweeny, Jr., Justices.

-----X
Sam Wyly,

Petitioner-Respondent,

-against-

M-921
Index No. 104553/05

Milberg Weiss Bershad & Schulman, LLP,
et al.,

Respondents-Appellants.
-----X

Petitioner-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 27, 2007 (Appeal No. 1931),

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
Milton W. Williams
John W. Sweeny, Jr., Justices.

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

-against-

M-4809
Ind. Nos. 1431/05
2093/05
3265/05

Pablo Andino, also known as
Edward Vasquez,
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 December 14, 2005, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

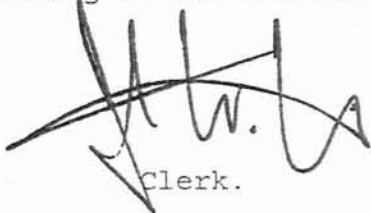
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 serve one copy of such brief upon the District Attorney of said county and file ten 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.

Defendant-appellant's time in which to perfect the appeal is enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

Present: Hon. David Friedman, Justice Presiding,
Luis A. Gonzalez
James M. McGuire
Karla Moskowitz Justices.

-----X
Helene Gottlieb,
Plaintiff-Appellant,

-against-

Northriver Trading Company, LLC and
Steven Schlam; Ariel Wolfson; Morris
Wolfson; Aaron Wolfson and Abraham
(Avram) Wolfson,
Defendants-Respondents,

-and-

M-961
Index No. 601546/04

Northriver Trading Company LLC and
Steven Schlam,
Counterclaimants,

-against-

Phillip Gottlieb, also known as
Feivel Gottlieb,
Additional Defendant on
the Counterclaim-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 14, 2007 (mot. seq. no. 004),

And counsel for plaintiff and additional-counterclaimant-defendant-appellant, Zane & Rudofsky, by Edward Rudofsky, Esq., having moved to withdraw as attorneys for appellants, 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 withdraw as attorneys for appellants is denied without prejudice to proceeding in Supreme Court. The motion to the extent it seeks an enlargement of time in which to perfect the appeal is granted and said appeal is to be perfected on or before July 7, 2008 for the September 2008 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. David Friedman, Justice Presiding,
Luis A. Gonzalez
James M. McGuire
Karla Moskowitz, Justices.

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

-against-

M-980
Ind. No. 4270/06

Ramel Harris,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about June 7, 2007, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental 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 directing defendant to serve and file 10 copies of his pro se supplemental brief on or before July 7, 2008 for the September 2008 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,
Milton L. Williams
James M. Catterson
Karla Moskowitz, Justices.

-----X
Crystal Carter,
Plaintiff-Appellant,

-against-

M-844
Index No. 8554/05

Mauricio Grullon,
Defendant-Respondent.
-----X

Defendant-respondent having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about April 4, 2007,

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.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,
Milton L. Williams
James M. Catterson
Karla Moskowitz, Justices.

-----X
Edwin Moreira, et al.,
Plaintiffs-Respondents,

-against-

M-1246
Index No. 18871/02

Jung Jae Park,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 28, 2006,

And an order of this Court having been entered on November 29, 2007 (M-5419), inter alia, granting appellant an enlargement of time in which to perfect the appeal to the March 2008 Term,

And plaintiffs-respondents having moved to dismiss the aforesaid appeal, upon defendant's failure to so perfect,

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.

E N T E R:


Clerk.

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

BEFORE: Hon. Jonathan Lippman
Justice of the Appellate Division

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

M-721
Ind. No. 10392-94

-against-

CERTIFICATE
DENYING LEAVE

Ronald Jackson,

Defendant.

-----X

I, Jonathan Lippman, 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 (James Yates, J.), entered on or about January 15, 2008 is hereby denied.


Presiding Justice

Dated: **MAR 31 2008**, 2008
New York, New York

ENTERED: **APR 08 2008**

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

-----X
In the Matter of a Proceeding for Support
Under Article 4 of the Family Court Act,

Erin C.,
Petitioner-Respondent-Appellant,

Docket # 30F-10177-03/06

-against-

M-1139

Peter H.,
Respondent-Appellant-Respondent.

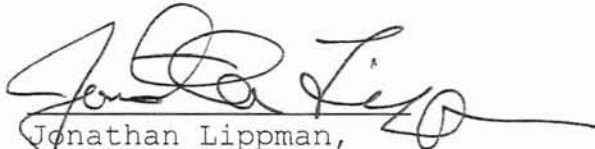
-----X

Respondent Peter H. having moved for an order, inter alia, staying the order of the Family Court, New York County (Gloria Sosa-Lintner, J.), entered on or about November 30, 2007, pending hearing and determination of the appeal and cross 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 denied.

Dated: April 1, 2008
New York, New York


Jonathan Lippman,
Presiding Justice

ENTERED

APR 08 2008

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Respondent,

M-285
Ind. No. 6549/03

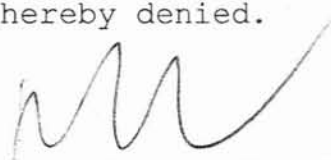
-against-

CERTIFICATE
DENYING LEAVE

Michael Nash,

Defendant.
-----X

I, Peter Tom, 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, entered on or about December 4, 2007 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: March 31, 2008
New York, New York

ENTERED

APR 08 2008

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

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

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

Respondent

M-70
Ind. No. 5100/88

-against-

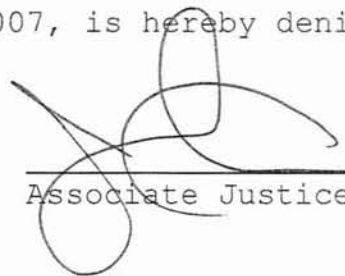
CERTIFICATE
DENYING LEAVE

Sergio LaFontaine

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 December 13, 2007, is hereby denied.



Associate Justice

Dated: March 31, 2008
New York, New York

ENTERED: **APR 08 2008**

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

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

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

Respondent

M-308
Ind. No. 7047/04

-against-

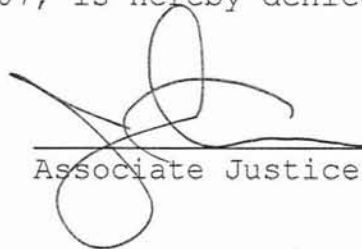
CERTIFICATE
DENYING LEAVE

Lenny Zuniga

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 October 25, 2007, is hereby denied.



Associate Justice

Dated: March 31, 2008
New York, New York

ENTERED: **APR 08 2008**

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

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

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

Respondent

M-6544
Case No. 39431C/05

-against-

ORDER DENYING ROR
AFTER APPEAL TAKEN

Seth Ritchie

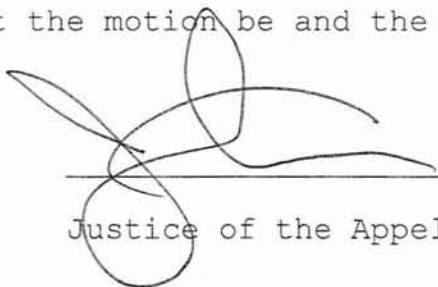
Defendant.

-----X

An appeal having been taken to this Court by the above-named defendant-appellant from the judgment of the Supreme Court, Bronx County, rendered on or about October 16, 2007, and defendant-appellant having moved pursuant to CPL 460.50 and 530.50 to be released on his recognizance pending the 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 be and the same hereby is denied.



Justice of the Appellate Division

Dated: April 1, 2008
New York, New York

ENTERED

APR 08 2008

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
Luis A. Gonzalez
Eugene Nardelli, Justices.

-----X
In Re: New York County Asbestos
Litigation.

Robert F. Perdicaro, et al.,
Plaintiffs-Respondents,

M-1551
Index No. 106604/07

-against-

A. O. Smith Water Products,
Defendant,

Treadwell Corporation,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 25, 2008 (mot. seq. no. 015),

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 8, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. Catterson
Rolando T. Acosta, Justices.

-----X
Jemrock Realty Co. LLC,

Petitioner-Landlord-Respondent,

-against-

Jay Krugman,

M-1550
Index No. 570593/06
L&T Index No. 95682/05

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

Respondent-tenant-appellant having moved for a stay of the order of eviction and all proceedings pending hearing and determination of the appeal taken 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 February 28, 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 on condition that the appeal is perfected for the September 2008 Term, and that appellant pay a lump sum of \$3,321.52 within 20 days of the date of this order; and \$1,247.68 in continuing monthly use and occupancy pending hearing and determination of the appeal. Upon failure to meet either condition, an order vacating the stay may be entered ex parte, provided that petitioner-landlord-respondent serve 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 April 8, 2008.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
Milton L. Williams
James M. Catterson
Karla Moskowitz, Justices.

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

M-1107

-against-

Ind. No. 4512/02

Steven Darbasie,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 12, 2003,

And an order of this Court having been entered on January 29, 2008 (M-6674), enlarging defendant's time in which to file a pro se supplemental brief to the June 2008 Term of this Court, and denying so much of defendant's motion which requested the minutes of the arraignment held on August 1, 2002 in Part 50 Supreme Court, New York County,

And defendant-appellant having moved for reargument of so much of the aforesaid order of this Court, entered on January 29, 2008 (M-6674), which denied defendant's request for the minutes of the aforesaid arraignment,

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 defendant's time in which to serve and file his pro se supplemental brief to on or before July 7, 2008 for the September 2008 Term of this Court, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a copy of the minutes of the aforementioned arraignment, if available, said minutes to be returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER: .

A handwritten signature in black ink, appearing to be "J.W.L.", written over a horizontal line. The signature is stylized and somewhat cursive.

Clerk.