

At a 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 15, 2008.

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

-----X  
Danielle Bernstein, an infant under the age of 14 years, by her father and natural guardian, Roger Bernstein and Roger Bernstein, individually,  
Plaintiffs-Repondents,

-against-

Penny Whistle Toys, Inc., Juan A. Mendez, also known as Juan A. Mendiz, also known as Abel Mendez and Abel Mendez,  
Defendants-Appellants.

M-1756  
Index No. 120210/03

-----X  
Penny Whistle Toys, Inc., Juan A. Mendez, also known as Juan A. Mendiz, also known as Abel Mendez and Abel Mendez,  
Third-Party Plaintiffs,

-against-

Carol Axel Weiner,  
Third-Party Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 12, 2006 (mot. seq. no. 004),

Now, upon reading and filing the stipulation of the parties hereto, filed March 25, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 15, 2008.

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

-----X  
IDI Construction Company, Inc., and  
Virginia Surety Company,  
Plaintiff-Respondent,

-against-

National Indemnity Company,  
Defendant-Appellant,

-and-

M-1758  
Index No. 107885/05

Interstate Insurance Group,  
Fireman's Fund Insurance Company,  
Island Foundation Corp., Richard  
C. Mugler Company, Inc., Commerce  
& Industry Insurance Company, and  
Gramercy Group, Inc.  
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 10, 2007 (mot. seq. nos. 001, 002 and 003),

Now, upon reading and filing the stipulation of the parties hereto, dated March 25, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 15, 2008.

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

-----X  
The City of New York,  
Petitioner-Appellant,

-against-

M-1759  
Index No. 404741/07

Healthcare Subrogation Group, LLC,  
Respondent-Respondent,

-and-

American Arbitration Association,  
Respondent.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about October 17, 2007 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, dated March 18, 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 15, 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-1563  
Ind. No. 441/07

Sakema Canns,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 6, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

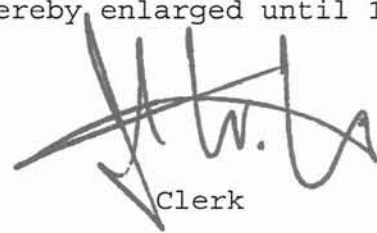
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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, 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 15, 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-1564  
Ind. No. 2459/07

Cynthia Ferrer,  
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 13, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

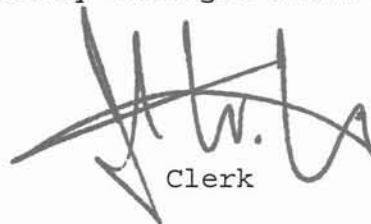
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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, 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 15, 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-1565  
Ind. No. 5844/06

William Gray,  
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 4, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

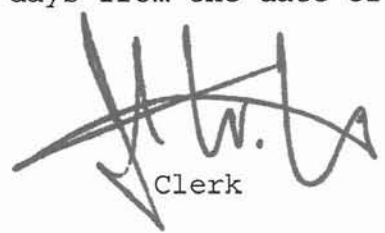
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 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-1566  
Ind. No. 6279/06

Robert Johnson,  
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 27, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

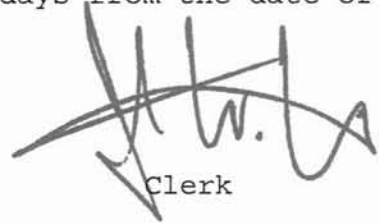
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 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-1567  
Ind. No. 3425/07

Tyrone Nelson,  
Defendant-Appellant.

-----X

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

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

ENTER:

  
Clerk



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 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-1569  
Ind. No. 2573/06

Jose Ortiz,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 5, 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, 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 15, 2008.

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

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

-against-

M-1570  
Ind. No. 1609/07

David Owens,  
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 6, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

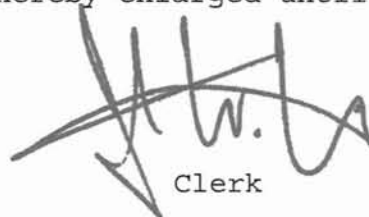
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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, 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 15, 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-1571  
Ind. No. 314/07

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2008.

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

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

-against-

M-1572  
Ind. Nos. 190/07  
1206/07

Daniel Rodriguez,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 17, 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, 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 15, 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-1588  
Ind. No. 6316/06

Sean Duffy, also known as  
Sean Smith,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 11, 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, 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 15, 2008.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-1193  
Ind. No. 776/07

Musa Ndure,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 13, 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(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

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 15, 2008.

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

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

-against-

M-1396  
Ind. No. 547/07

Sharbu Redd,  
Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 11, 2008,

And an order of this Court having been entered on March 4, 2008 (M-398), denying defendant's motion for poor person relief and the assignment of counsel, with leave to renew upon defendant's compliance with certain conditions set forth therein,

And defendant having renewed his motion for leave to prosecute the aforesaid appeal as a poor person, for the assignment of 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 denied, with leave to renew upon defendant's compliance with the conditions set forth in the aforesaid order of this Court entered on March 4, 2008 (M-398).

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 15, 2008.

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

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

-against-

M-1478  
Ind. No. 6138/06

Shakim Brunson,  
Defendant-Appellant.

-----X

An order of this Court having been entered on December 4, 2007 (M-5825), granting defendant's motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 16, 2007, under Indictment No. 6138/06, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the order of December 4, 2007 to include the judgment of resentence of July 25, 2007 under the aforementioned indictment,

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

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include the judgment of resentence and extending the poor person relief previously granted to cover same.

ENTER:



Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 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,

-against-

M-1467  
Ind. No. 6928/04

Gregory Wright,

Defendant-Appellant.

-----X

An order of this Court having been entered on January 29, 2008 (M-6673), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 2, 2006,

And defendant having moved for an extension of time in which to file the 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 appeal will not be heard unless and until all material furnished to appellant has been so 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 15, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
Luis A. Gonzalez  
Eugene Nardelli, Justices.

-----X  
Christine Pellegrino,  
Plaintiff-Respondent-Appellant,

M-1085

-against-

Oppenheimer & Co., Inc., formerly  
known as Fahnestock & Co., Inc., et al.,  
Defendants-Appellants-Respondents.  
- - - -

Index No. 107834/04  
Appeal No. 2017N

Andrea Bertoline,  
Plaintiff-Respondent-Appellant,

Index No. 121187/03  
Appeal Nos. 2018N  
2019N

-against-

Oppenheimer & Co., Inc., formerly  
known as Fahnestock & Co., Inc., et al.,  
Defendants-Appellants-Respondents.  
- - - -

Irina Alter,  
Plaintiff-Respondent-Appellant,

Index No. 121188/03  
Appeal No. 2020N

-against-

Oppenheimer & Co., Inc., formerly  
known as Fahnestock & Co., Inc., et al.,  
Defendants-Appellants-Respondents.  
-----X

Defendants 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 Nos. 2017N, 2018N, 2019N and 2020N),

Now, 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.

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 15, 2008.

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

-----X  
Robert Peck,  
Plaintiff-Respondent-Appellant,

-against-

2-J, LLC, and Asia Five Eight, LLC,  
Individually and doing business as  
Tao Restaurant,  
Defendants-Appellants-Respondents,

M-1685  
Index No. 109367/05

-and-

Van Brody Architect, P.C.,  
Defendant.

-----X

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 14, 2008,

And plaintiff having moved for an order (1) striking the record on appeal and dismissing same upon the ground that the record is defective or, in the alternative, (2) striking the record on appeal filed by defendants and directing them to file a proper record, (3) the imposition of attorney's fees and costs pursuant to Section 130-1.1 of the Rules of the Chief Administrator, and (4) for an extension of time for plaintiff to file a cross-appellants 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 that the record heretofore filed is stricken, with leave to re-perfect the appeal, after consultation, upon a joint record on appeal for the September 2008 Term. The parties are

directed to comply with CPLR 5526, Rule 600.10(b) and Rule 600.11(d) with respect to a joint record and costs thereof. The Clerk is directed to accept the further filing without an additional fee. The motion is otherwise denied.

ENTER:

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

Clerk

At a 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 15, 2008.

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

-----X  
Francetta Rose,  
Plaintiff-Respondent,

-against-

M-1183  
Index No. 6240/07

National Council of Young Israel,  
Inc., Westchester Center for  
Rehabilitation & Nursing, formerly  
known as Shalom Nursing Home and  
MS Acquisition 1, LLC,  
Defendants-Appellants.  
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about July 2, 2007,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendants' counsel dated April 3, 2008, and due deliberation having been had thereon,

It is ordered that the appeal and the motion are deemed withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2008.

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

-----X  
Arthur Morrison,

Plaintiff-Appellant,

-against-

M-1210  
M-1482  
Index No. 402075/03

Ellen Yaroshefsky,

Defendant-Respondent.

-----X

Plaintiff-appellant 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 July 27, 2007, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

And defendant-respondent having cross-moved, pursuant to CPLR 5513(a), for dismissal of the appeal as untimely taken,

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

It is ordered that said motion and cross motion are 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 15, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David Friedman  
Luis A. Gonzalez  
Milton W. Williams, Justices.

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

-against-

M-1430  
Ind. Nos. 3344/07  
5179/06

Daniel Rodriguez,  
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 October 9, 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 15, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David Friedman  
Luis A. Gonzalez  
Milton L. Williams, Justices.

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

-against-

M-6506  
Ind. No. 68/07

Milton Antonio, also known as  
Milton Antonio Victorino,  
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 June 13, 2007, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, to set aside the sentence pursuant to CPL §440.20, and for related relief,

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

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

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



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.

The motion, to the extent that it seeks to set aside the sentence, is denied, without prejudice to further proceedings in Supreme Court.

ENTER:



W.  
Clerk.

At a 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 15, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
Luis A. Gonzalez  
James M. McGuire, Justices.

-----X  
In the Matter of

Jaffa Wally F.,

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

**M-945**

Docket No. B25128/03

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

Thelma Lynn W.,  
Respondent-Appellant,

Selvin F., also known as  
Selvin F., Sr.,  
Respondent-Appellant.

- - - - -  
Ellen Winter, Esq.,  
Law Guardian for the Child.

-----X

Appeals having been taken by the respective respondents from the order of the Family Court, Bronx County, entered on or about December 18, 2006,

And an order of this Court having been entered on March 13, 2008 (M-297), denying dismissal of the respective appeals and granting poor person relief and the assignment of Geoffrey P. Berman, Esq., as counsel for purposes of prosecuting respondent-appellant mother's appeal,

And respondent-appellant mother having once again moved for poor person relief and the assignment of counsel with respect to her aforesaid appeal,

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

Ordered that the motion is denied as academic, said relief having been granted by the order of this Court entered on March 13, 2008 (M-297).

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 15, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Milton L. Williams  
John W. Sweeny, Jr., Justices.

-----x

Sabre, Inc.,

Plaintiff-Respondent,

-against-

M-1295  
Index No. 600677/07

Paras Exims Inc., doing business as  
Arrow Travel & Tours, doing business  
as Elder Travel Club,

Defendant-Appellant.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 5, 2008 (mot. seq. no. 003),

And defendant-appellant having moved, pursuant to CPLR 5519(c), for a stay of so much of the aforesaid order which conditioned vacatur of defendant's default upon the posting of an undertaking to secure the money judgment, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
Milton L. Williams  
John T. Buckley, Justices.

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

Ind. No. 3242/04

-against-

Marilyn Walwyn Council, also known as  
Marilyn Council,  
Defendant-Appellant.

M-1083  
M-1084

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

Ind. No. 3242/04

-against-

Roosevelt Council,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 29, 2008 (M-6484/M-6485/M-6693), inter alia, denying reargument of the orders of this Court entered on November 20, 2007 (M-5571), September 20, 2007 (M-4159) and July 19, 2007 (M-3030), respectively,

And defendant Marilyn Walwyn Council, also known as Marilyn Council, having moved pro se for reargument of the aforesaid orders of this Court entered on January 29, 2008 (M-6484/M-6485/M-6693), November 20, 2007 (M-5571), September 20, 2007 (M-4159) and July 19, 2007 (M-3030), respectively, and for consideration of such reargument motion by a bench of this Court consisting of Justices other than those having decided the prior reargument motions [M-1083],

And defendant Roosevelt Council having moved pro se for the same relief [M-1084],

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 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 15, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
Milton L. Williams, Justices.

-----X  
James Couri,

Plaintiff-Respondent-Appellant,

-against-

John Siebert, et al.,

Defendants-Appellants-Respondents.

-----X

M-1221  
M-1362  
Index No. 107240/04

Plaintiff-respondent-appellant having moved, by separate motions, for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 28, 2008 (Appeal No. 2522),

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 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 15, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr., Justices.

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

-against-

M-1431  
Case No. 29650C/05

James Conyers,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Megan Tallmer, J.) entered on or about January 14, 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 Tallmer 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.

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 15, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
In the Matter of a Family Offense Proceeding,

Kiesha G.-S., also known as  
Kiesha S.,  
Petitioner-Respondent,

-against-

M-1315  
Docket No. O-8975/06

Alphonso S.,  
Respondent-Appellant.

-----X

Respondent-appellant, in connection with the appeal from an order of the Family Court, Bronx County, entered on or about March 20, 2007, having moved for an enlargement of time in which to perfect the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to 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 15, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David Friedman  
John W. Sweeny, Jr., Justices.

-----X  
Danny Taylor,  
Plaintiff-Appellant,

-against-

Lehr Construction Corp.,  
Defendant-Respondent, (action discontinued)

Wood-Pro II Installers, Inc.,  
and William Summerville, Inc.  
Defendants-Respondents.

-----  
Lehr Construction Corp.,  
Third Party Plaintiff-Respondent,

M-1606  
Index No. 18498/00

-against-

William Summerville, Inc. and  
Nastasi & Associates, Inc.,  
Third Party Defendants-Respondents.

-----X  
Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, Bronx County, entered on or about October 10, 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 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 15, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Eugene Nardelli  
James M. McGuire  
Rolando T. Acosta, Justices.

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

-against-

M-307  
Ind. No. 4355/87

Wilfredo Gonzalez, a/k/a  
Freddie Gonzalez,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument and/or reconsideration of the decision and order of this Court entered on January 9, 1997 (Appeal No. 59486),

Now, 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.

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 15, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
Gloria Ianotta,  
Plaintiff-Appellant-Respondent,

-against-

M-283 & M-536

Tishman Speyer Properties, Inc.,  
et al.,  
Defendants-Respondents-Appellants,

Index No. 105667/03

New York Elevator Company,  
Defendant-Respondent.

-----  
Tishman Speyer Properties, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

Index No. 590779/03

New York Elevator Company,  
Third-Party Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 11, 2007 (Appeal No. 1344), modifying the order of the Supreme Court, New York County, entered on or about May 16, 2006,

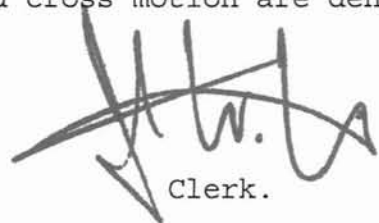
And defendant-respondent/third-party defendant-appellant, New York Elevator Company, having moved for leave to appeal to the Court of Appeals from the decision and order of this Court (M-283),

And plaintiff-appellant-respondent, Gloria Ianotta, having cross-moved, inter alia, for the same relief (M-536),

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

It is ordered that the motion and cross motion are 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 15, 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 Application of

Go West Entertainment Inc.,  
Petitioner,

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

M-1530  
Index No. 103482/08

-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 March 11, 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 April 1, 2008, is vacated.

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 15, 2008.

Present - Hon. Richard T. Andrias, Justice Presiding,  
Milton L. Williams  
James M. Catterson  
James M. McGuire, Justices.

-----X  
Richard L. Kramer, etc., et al.,  
Plaintiffs-Appellants,

-against-

W10Z/515 Real Estate Limited  
Partnership, et al., Index No. 128014/03  
Defendants-Respondents. (Appeal No. 8963)

-----  
The Real Estate Board of New York,  
Inc.,  
Amicus Curiae.

M-6033  
M-6034

-----  
Kerusa Co. LLC,  
Plaintiff-Appellant,

-against-

W10Z/515 Real Estate Limited Index No. 601610/03  
Partnership, et al., (Appeal No. 8964N)  
Defendants-Respondents.

-----  
The Real Estate Board of New York,  
Inc.,  
Amicus Curiae.

-----X

Defendants-respondents having moved, by separate motions, for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 16, 2007 (Appeal Nos. 8963/8964N),

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, to the extent they seek reargument, are denied. The motions, to the extent they seek leave to appeal to the Court of Appeals, are granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

Was the order of this Court, which modified the order of the Supreme Court properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

ENTER:



Clerk.

At a 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 15, 2008.

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

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

-against-

M-894  
Ind. No. 1501/00

Mariano Adon,  
Defendant-Appellant.  
-----X

The People having moved for dismissal of the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about January 31, 2002,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2008.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
James M. Catterson, Justices.

-----X  
Beryl Zyskind,  
Plaintiff-Respondent,

-against-

M-1387  
Index No. 602523/06

Industrial Enterprises of  
America, Inc., formerly known as  
Advanced Bio/Chem, Inc.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about March 19, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to 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 15, 2008.

Present - Hon. Luis A. Gonzalez, Justice Presiding,  
 Eugene Nardelli  
 John T. Buckley  
 James M. Catterson, Justices.

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

Respondent,

-against-

M-1393  
 Ind. No. 5783/83

Hamilton Thompson,

Defendant-Appellant.  
 -----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 2, 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 granted to the extent of enlarging the time in which to perfect the appeal to 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 15, 2008.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
James M. Catterson, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-1546  
Ind. No. 3786/05

Manuel Mendez,

Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 2, 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 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 15, 2008.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
James M. Catterson, Justices.

-----X

The People of the State of New York,  
Respondent,

-against-

M-1547  
Ind. No. 5856/05

Angelo Gomez,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about August 9, 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 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 15, 2008.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
James M. Catterson, Justices.

-----X  
Santos Cintron,  
Plaintiff-Respondent,

-against-

M-1408  
Index No. 105268/01

Ray Fuller, The New York City Police  
Department and the City of New York,  
Defendants-Appellants.

-----X

Defendant-appellant City of New York 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 April 9, 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 to the extent of enlarging the time in which to perfect the appeal to the October 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 15, 2008.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
James M. Catterson, Justices.

-----X  
Warburg, Pincus & Company, et al.,  
Plaintiffs-Respondents,

-against-

QOS Networks Limited,  
Defendant-Appellant.

M-1493  
M-1615  
Index No. 603046/04

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about March 7, 2007 (mot. seq. no. 006),

And plaintiffs-respondents having cross-moved to dismiss the appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2008 Term. The cross motion to dismiss the appeal is granted unless appellant perfects the appeal for said Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that respondents serve a copy of this order upon appellant within 10 days from 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 15, 2008.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
James M. Catterson, Justices.

-----X  
Steve Couvertier and Kiana Castillo,  
Infants by their Mother and Natural  
Guardian, Delvie Couvertier,

Plaintiffs-Respondents,

-against-

M-1375  
Index No. 106764/05

New York City Health and Hospitals  
Corporation (Harlem Hospital),  
Defendant-Appellant,

William N. Ayala, et al.,  
Defendants.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 9, 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 October 2008 Term.

ENTER:

  
Clerk

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,

M-804  
Ind. No. 2529/03

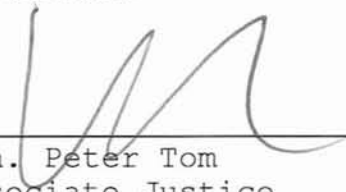
-against-

CERTIFICATE  
DENYING LEAVE

Anthony Arriaga,

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, Bronx County, entered  
on or about January 7, 2008 is hereby denied.

  
\_\_\_\_\_  
Hon. Peter Tom  
Associate Justice

Dated: April 4, 2008  
New York, New York

**ENTERED** APR 15 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,

M-1152  
Ind. No. 3393/99

-against-

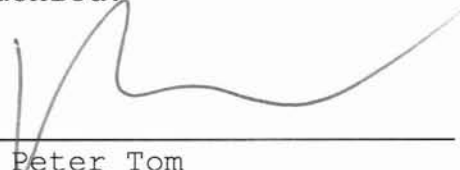
CERTIFICATE  
DENYING LEAVE

Angel Cordero,

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, Bronx County, entered on or about January 22, 2008 is hereby denied.

  
\_\_\_\_\_  
Hon. Peter Tom  
Associate Justice

Dated: April 4, 2008  
New York, New York

**ENTERED** APR 15 2008



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

BEFORE: Hon. Milton L. Williams  
Justice of the Appellate Division

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

Penny B.,  
Petitioner-Respondent,

-against-

M-1178  
Docket No. V-1875/04

Gary S.,  
Respondent-Appellant.

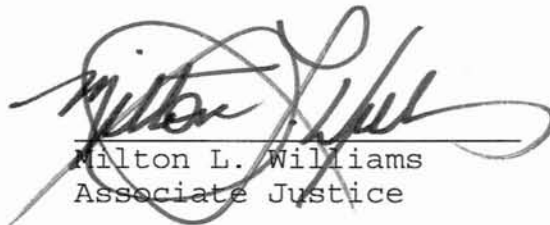
-----X

Petitioner-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Family Court, New York County, entered on or about February 15, 2008,

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

It is ordered that the motion is denied.

Dated: New York, New York  
April 10, 2008

  
Milton L. Williams  
Associate Justice

ENTERED: APR 15 2008

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

BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

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

M-1216  
Ind. No. 3223/04

-against-

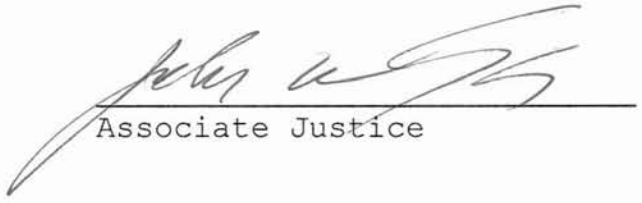
CERTIFICATE  
DENYING LEAVE

Patrick Sims,

Defendant.

-----X

I, John W. Sweeny, Jr., 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 November 15, 2007 (Roger S. Hayes, J.) is hereby denied.

  
Associate Justice

Dated: April 4, 2008  
New York, New York

ENTERED: APR 15 2008

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

BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

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

M-1303  
Ind. No. 6448/03

-against-

CERTIFICATE  
DENYING LEAVE

George Tatum,

Defendant.

-----X

I, John W. Sweeny, Jr., 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 460.16, 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 September 26, 2007 (Micki A. Scherer, J.) is hereby denied.

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

Dated: April 8, 2008  
New York, New York

ENTERED: APR 15 2008

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

BEFORE: Hon. JAMES M. MCGUIRE  
Justice of the Appellate Division

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

M- 1864  
Ind. No. 1776/06

-against-

MENASHE SHEMESH,  
Defendant-Respondent.

CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

-----X

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

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals.

  
Justice of the Appellate Division

Dated: April 8, 2008  
New York, New York

ENTERED: **APR 15 2008**

\*Description of Order:

Supreme Court, New York County, entered on July 27, 2006.  
App. Div., Appeal No. 2257, Affd on January 15, 2008.

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

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

BEFORE: Hon. KARLA MOSKOWITZ  
Justice of the Appellate Division

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

M-759  
Ind. No. 4497/99

-against-

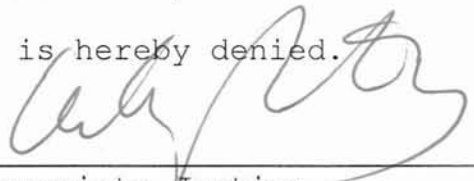
CERTIFICATE  
DENYING LEAVE

Frank Harris,

Defendant.

-----X

I, Karla Moskowitz, 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 450.15 460.15, 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 January 7, 2008, is hereby denied.

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

Dated: April 8, 2008  
New York, New York

ENTERED: **APR 15 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 15, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
David Friedman  
John T. Buckley  
John W. Sweeny, Jr., Justices.

-----X

In the Matter of the Application of  
Kuang Hsung Joseph Chuang,  
a disbarred attorney,  
(OCA Atty. Reg. No. 1807445)  
Petitioner,

M-109  
M-580

For Reinstatement to the Bar  
of the State of New York,

Departmental Disciplinary Committee  
for the First Judicial Department,  
Respondent.

-----X

An order of this Court having been entered on February 20, 1990 (M-5349), disbaring petitioner (who was admitted to practice as an attorney and counselor-at-law in the State of New York at a Term of the Appellate Division of the Supreme Court for the First Judicial Department on July 8, 1976) from the practice of law in the State of New York,

And an order of this Court having been entered on February 15, 2007 (M-5791), inter alia, referring this matter to the Committee to designate a Hearing Panel to conduct a hearing pursuant to 22 NYCRR 603.14(g) and issue a report and recommendation to this Court with respect to petitioner's application for reinstatement,

And petitioner, by Michael A. Gentile, Esq., having submitted a motion to this Court on February 11, 2008, seeking an order pursuant to Judiciary Law §90 and Judiciary Law §603.14 confirming so much of the Determination of the Hearing Panel which concluded that petitioner did possess the requisite character and general fitness to resume the practice of law and

disaffirming so much thereof which conditioned petitioner's reinstatement upon passage of a newly administered New York State Bar Exam, and reinstating petitioner as an attorney and counselor-at-law in the State of New York,

And the Departmental Disciplinary Committee for the First Judicial Department, by Alan W. Friedberg, its Chief Counsel (Andral N. Bratton, of counsel) having submitted a cross motion to this Court seeking to hold in abeyance petitioner's application for reinstatement pending submission of proof of petitioner having obtained a passing grade on a newly administered New York State Bar Exam, and otherwise taking no position on the motion for reinstatement,

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

It is ordered that the Determination of the Hearing Panel is disaffirmed, and the motion is denied. The cross motion is denied as unnecessary.

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 15, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X  
Jason Ford, an infant by his mother  
and natural guardian, Sabine Kerinsant  
and Sabine Kerinsant, individually,  
Plaintiffs-Respondents,

-against-

The City of New York, The Board of  
Education of the City of New York,  
Defendants,

M-1480  
Index No. 13598/03

-and-

Richmond Elevator Co. Inc., Centennial  
Elevator Industries Inc. and New York  
City School Construction Authority,  
Defendants-Appellants.


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

-----X  
An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 20, 2007, and said appeal having been perfected,

And defendant-appellant Richmond Elevator Co. Inc. having moved for a stay of trial scheduled for April 28, 2008, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:  
  
Clerk



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X

Echostar Satellite LLC,  
  
Plaintiff-Appellant,

M-1696

-against-

Index No. 600282/08

ESPN, Inc., et al.,

Defendants-Respondents.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 19, 2008 (mot. seq. no. 002),

And an order of a Justice of this Court, dated March 26, 2008, having granted plaintiff an enlargement of time in which to perfect the aforesaid appeal to the September 2008 Term, and otherwise denied plaintiff's application,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal and for an appellate injunction in the nature of mandamus,

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

It is ordered that the motion, to the extent it seeks an appellate injunction, is denied. So much of the motion which seeks an enlargement of time in which to perfect the appeal is granted to the extent directed in the aforesaid order of a Justice of this Court, dated March 26, 2008, enlarging plaintiff's time in which to perfect the appeal to 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 15, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Milton L. Williams  
John W. Sweeny, Jr., Justices.

-----X  
Post Broadway Associates, also known  
as 59 South Broadway Venture, et al.,

Plaintiffs-Respondents,

-against-

M-1656  
Index No. 600217/08

Minskoff Grant Realty & Management  
Corp.,

Defendant-Appellant.  
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 21, 2008,

And defendant-appellant having moved for a stay of the order pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court dated March 25, 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 15, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Milton L. Williams  
John W. Sweeny, Jr., Justices.

-----X  
Gerald S. Kaufman, et al.,  
Plaintiffs-Respondents,

-against-

M-1702  
Index No. 601320/01

Irwin B. Cohen,  
Defendant-Appellant.  
-----X

Defendant having taken an appeal from the orders of the Supreme Court, New York County, entered on or about January 30, 2007 and March 19, 2008, and plaintiffs having taken a cross appeal from the order entered on January 30, 2007,

And defendant having moved for a stay of trial pending hearing and determination of the appeal taken from the order entered on or about March 19, 2008, and for an enlargement of time in which to perfect the appeal taken from the order entered on or about January 30, 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, to the extent it seeks relief with respect to the order entered on or about January 30, 2007, is denied and sua sponte that appeal and cross appeal are dismissed. So much of the motion which seeks a stay of trial is granted on condition that the appeal from the order entered March 19, 2008 is perfected on or before July 7, 2008 for the September 2008 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiffs-respondents-appellants serve a copy of this order upon defendant-appellant-respondent 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 15, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
Milton L. Williams, Justices.

-----X  
Merrill Lynch Mortgage Capital, Inc.,

Plaintiff-Respondent,

-against-

M-1878  
Index No. 600012/08

Ralph Esmerian, et al.,

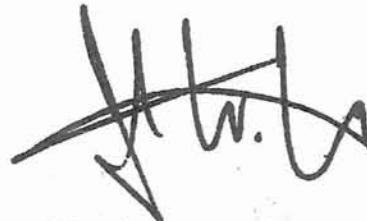
Defendants-Appellants.  
-----X

Defendants having moved for affirmative relief enjoining the auction of certain unique museum-quality jewelry comprising the Special Collection, said relief having been denied by a Justice of the Supreme Court, New York County, in an Order to Show Cause entered on or about April 9, 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 deemed one for leave to appeal to this Court from the Order to Show Cause and, as such, leave to appeal is granted, and the aforementioned auction is stayed pursuant to CPLR 5518, without prejudice to and pending hearing and determination of the preliminary injunction motion in Supreme Court.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 15, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
James M. Catterson, Justices.

-----X  
Caroline Nicholson, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-1594  
Index No. 109438/03

Leila Hadley Luce, et al.,  
Defendants-Appellants.  
-----X

Defendants-appellants 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 October 30, 2007 (mot. seq. no. 004),

Now, 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.