

At a 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 17, 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-1816
Ind. No. 25/06

Robert Waters,
Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 7, 2006,

Now, upon reading and filing the stipulation of the parties hereto, dated April 1, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 17, 2008.

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

-----X
Running Subway, LLC,
Plaintiff-Respondent,

-against-

M-1799X
Index No. 603842/07

Jujamcyn Theatres LLC,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 21, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 1, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 17, 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-1442
Ind. No. 4510/07

Junai Carter,
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 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.

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 17, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Eugene Nardelli
James M. Catterson
Karla Moskowitz, Justices.

-----X

In the Matter of

Nikeerah S.,

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

M-6677

Docket No. B15643/06

- - - - -
Hale House Center, Inc., et al.,
Petitioners-Respondents,

Barbara S.,
Respondent-Appellant.

- - - - -
Dawn O'Brien, Esq., Lawyers for
Children,
Law Guardian for the Child.

-----X

Respondent-appellant mother, Barbara S., having moved for leave to prosecute, as a poor person, the appeal from orders of the Family Court, New York County, entered on or about March 7, 2007 and October 1, 2007, respectively, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Susan Jacobs, Esq., Center for Family Representation, 116 John Street, 19th Floor, New York, NY

10038, Telephone No. 212-691-0950, as counsel, for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on April 17, 2008.

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

-----X

Charles Khoury, et al.,
Plaintiffs-Appellants,

-against-

M-1340
M-1621
Index No. 7918/07

Katherine Khoury, individually and
as Executor of the Estate of
Ramiz J. Khoury, deceased,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for a stay of eviction proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 2, 2008 (M-1340),

And defendant-respondent having cross-moved for an order conditioning any stay of eviction upon payment of use and occupancy and/or an undertaking during the pendency of the aforesaid appeal (M-1621),

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 denied, and the cross motion is denied as academic.

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 17, 2008.

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

-----X
National Academy of Television Arts
& Sciences,

Petitioner-Appellant,

M-1595

-against-

Index No. 116906/07

Academy of Television Arts & Sciences,

Respondent-Respondent.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 3, 2008 (mot. seq. no. 001),

And petitioner-appellant having moved for a preference in the hearing of the aforesaid appeal on the first day of the September 2008 Term of this Court, or as soon as possible thereafter,

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

Ordered that the motion is granted only to the extent of directing the Clerk to calendar the appeal for hearing in the first week of the September 2008 Term on condition the appeal be perfected by July 7, 2008 for said 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 17, 2008.

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

-----X
Trinity Centre LLC,

Plaintiff-Respondent,

-against-

Broad Street Advisors, LLC,

Defendant-Appellant.
-----X

M-1494

Index No. 601472/04

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 May 14, 2007 (mot. seq. nos. 007 and 009),

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 17, 2008.

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

-----X
Eleanor Capogrosso,

Plaintiff-Appellant,

-against-

Reade Broadway Associates,

Defendant-Respondent.
-----X

M-1596

Index No. 100333/04

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about May 31, 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 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 17, 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-1677
Ind. No. 1923/06

Teofilo Mercedes,

Defendant-Appellant.

-----x

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 20, 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 17, 2008.

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

-----X
Alejandro Rodas,

Plaintiff-Respondent,

-against-

M-1533
Index No. 122449/02

2328 On Twelfth, LLC,

Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 23, 2007,

And defendant-appellant having moved for an enlargement of time in which to perfect the appeal, and for an order directing plaintiff to furnish copies of certain photographs for inclusion in the Record on Appeal,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe
David Friedman, Justices.

-----X
In the Matter of the Application of
Sherma D. Pelage,
Petitioner,

For a Judgment, etc., M-2294
-against- DC #30
Index No. 401992/02

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

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about November 29, 2002,

And said proceeding not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 17, 2007, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or petitioner,

Now, upon the Court's own motion, it is

Ordered that this motion is deemed withdrawn, said proceeding having been dismissed by the order of this Court entered on April 11, 2006 (M-1128), 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 April 17, 2008.

Present: Hon. Peter Tom, Justice Presiding,
John T. Buckley
John W. Sweeny, Jr.
Karla Moskowitz, Justices.

-----X
In the Matter of

Natalie Maria D.,

M-638

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

Docket No. B1364/05

- - - - -
The Children's Aid Society,
et al.,
Petitioners-Respondents,

Charlene M.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother, Charlene M., having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about November 21, 2007, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Robin Steinberg, Esq., The Bronx Defenders, 860 Courtlandt Avenue, Bronx, NY 10451, Telephone No. 718-838-7878, as counsel, for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



W.
Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2008.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John T. Buckley, Justices.

-----X
In the Matter of

Isabella Star G.,

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

M-6622

Docket No. B12235/04

- - - - -
Episcopal Social Services, et al.,
Petitioners-Respondents,

Elizabeth G.,
Respondent-Appellant.

- - - - -
Fiordaliza Rodriguez, Esq.,
Law Guardian for the Child.

-----X

Respondent-appellant mother, Elizabeth G., having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about July 2, 2007, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Robin Steinberg, Esq., The Bronx Defenders, 860 Courtlandt Avenue, Bronx, NY 10451, Telephone No. 718-838-7878, as counsel, for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2008.

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

-----X
The People of the State of New York
ex rel. Dion Nelson,
Petitioner-Appellant,

M-922

-against-

Index No. 51575/06

Warden, Rikers Island Correctional
Facility and New York State Division
of Parole,
Respondent-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about December 19, 2006, which dismissed a habeas corpus proceeding,

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, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Luis A. Gonzalez
John T. Buckley, Justices.

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

-against-

M-3203
Ind. No. 4617/02

Juan Olba,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on December 1, 2005 (Appeal No. 7203), unanimously affirming a judgment of the Supreme Court, Bronx County (Barbara F. Newman, J.), rendered on July 15, 2004,

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

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

It is ordered that said application is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 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-1267
Ind. No. 1775/00

Aslan Spata,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 20, 2007,

And defendant having moved to withdraw the aforesaid appeal,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2008.

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

-----X
In the Matter of the Application for Custody and/or Visitation Pursuant to Article 6 of the Family Court Act.

Greta S.,

Petitioner-Appellant,

-against-

M-851
Docket Nos. V-22516/06
V-22517/06

The Administration for Children's Services,

Respondent-Respondent.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, Bronx County, entered on or about May 7, 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 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 17, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. McGuire
Karla Moskowitz, Justices.

-----X
In the Matter of the Commitment of the Guardianship and Custody of

Al M. S., also known as
Alex S., Jr.,
Gloria M. S., and
John William M., III,

M-635
Docket Nos. B-27245/05
B-27246/05
B-27247/05

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

- - - - -
Leake & Watts Services, Inc.,
Petitioner-Respondent,

Leilani C.,
Respondent-Appellant,

Alex S.,
Respondent-Appellant.

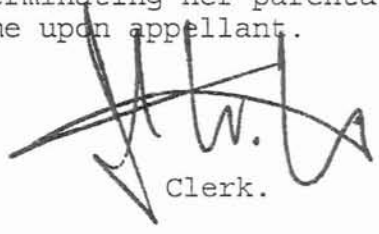
- - - - -
Steven Banks, Esq.,
Law Guardian for the Children.
-----X

Petitioner-respondent agency having moved for dismissal of the appeal taken by Leilani C. from the orders of the Family Court, Bronx County, entered on or about May 2, 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, with leave to renew within 30 days of the date of entry hereof upon submission of proof of service of the moving papers upon respondent-appellant mother at her last known address after diligent inquiry as to same, and a copy of the notice of entry of the order of Family Court denying appellant Leilani C.'s motion to vacate the order terminating her parental rights and the affidavit of service of same upon appellant.

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 17, 2008.

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

-----X
Jaqueline Klein-Bullock, individually
and as Administratrix of the Estate
of Ruth Klein, also known as Ruth S.
Klein, Deceased,

Plaintiff-Appellant,

-against-

M-1370

Index No. 114009/05

North Shore University Hospital at
Forest Hills, et al.,

Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about June 5, 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 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 17, 2008.

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

-----X
Tanja Schuster,

Plaintiff-Appellant,

-against-

Five G Associates, et al.,

Defendants-Respondents.
-----X

M-1539

Index No. 25016/02

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about February 27, 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 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 17, 2008.

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

-----X
Miguel Figueroa, et al.,
Plaintiffs-Appellants,

-against-

M-1541
Index No. 15884/00

The City of New York,
Defendant-Respondent.
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about May 7, 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 appellants' time in which to perfect the appeal to the September 2008 Term.

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 17, 2008.

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

-----X

David Santos, Yvonne Baez, as
Administratrix of the Estate of infant
Lizette Santos, Deceased,
Plaintiffs-Appellants,

Santiago Santos as Administrator of the
Estate of Myrna Santos, and Santiago
Santos, Individually,
Plaintiffs-Appellants,

M-1456
Index No. 8631/03

-against-

Ford Motor Company and Action Nissan, Inc.,
Defendant-Respondent.

-----X

Separate appeals having been taken from the judgment of the Supreme Court, Bronx County, entered on or about May 31, 2007,

And plaintiffs-appellants David Santos, et al., having moved for an enlargement of time in which to perfect their 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 for appellants to perfect their respective appeals to the September 2008 Term.

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 17, 2008.

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

-----X
The People of the State of New York
ex rel. McKinley Barnes,
Petitioner-Respondent,

-against-

M-1534
Index No. 75093/06

Martin F. Horn, Commissioner, et al.,
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 2, 2007, which granted petitioner's writ of habeas corpus vacating the parole violation warrant for the reasons stated in *Bartley v Murray*, 451 F3d 71 (2d Cir. 2006), 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 on consent, and appellant's time in which to perfect the appeal is enlarged to the September 2008 Term.

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 17, 2008.

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

-----X
The People of the State of New York
ex rel. Keith Johnson,
Petitioner-Respondent,

-against-

M-1535
Index No. 75087/06

Warden, et al.,
Respondents-Appellants.

-----X

Respondents-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about March 30, 2007, which granted petitioner's writ of habeas corpus vacating the parole violation warrant for the reasons stated in *Bartley v Murray*, 451 F3d 71 (2d Cir. 2006), 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 on consent, and appellant's time in which to perfect the appeal is enlarged to the September 2008 Term.

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 17, 2008.

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

-----X
Raymond Flores, as Administrator
of the Estate of Ramon Flores,

Plaintiff-Appellant,

M-1540

-against-

Index No. 18224/05

Isabella Geriatric Center, Inc.,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about January 22, 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 September 2008 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2008.

PRESENT - Hon: Richard T. Andrias, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson, Justices.

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

-against-

M-1086
Ind. No. 4982/00

Isaac Morales,
Defendant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about February 16, 2001,

And an order of this Court having been entered on September 1, 2005 (M-4033) deeming the appeal withdrawn,

And defendant having moved for an reinstatement of said appeal,

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

It is ordered that the motion is 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 17, 2008.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta, Justices.

-----X
In the Matter of

Tony H.,

M-1296

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

Docket No. B9694/04

New Alternatives for Children, Inc., et al.,
Petitioners-Respondents,

Gwendolyn H.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother, Gwendolyn H., having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about October 2, 2007, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Susan Jacobs, Esq., Center for

Family Representation, 116 John Street, 19th Floor, New York, NY 10038, Telephone No. 212-691-0950, as counsel, for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2008.

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

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

Michael Yovine, also known as
Michael Yovino,
Petitioner-Appellant,

M-1357

Index No. 116535/06

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

The New York City Civil Service
Commission,
Respondent-Respondent.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 7, 2007 (mot. seq. no. 001),

And petitioner-appellant having moved for leave to prosecute the appeal as a poor person, for an enlargement of time in which to perfect the aforesaid appeal, and for related relief,

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

It is ordered that the motion is granted only to the extent of enlarging the time in which to perfect the appeal to the November 2008 Term. The motion, to the extent it seeks poor person relief, is denied, with leave to renew upon submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of the retainer agreement with trial counsel, and a copy of petitioner's Federal Income Tax return for the year 2006. (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 17, 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-1364
Ind. No. 1430/93

Samuel Forson, Heyward Mitchell and
Yvonne Thomas,
Defendants-Appellants.

-----X

Separate appeals having been taken to this Court by the above defendants from the judgment of the Supreme Court, New York County, rendered on or about December 6, 2001,

And respondent People having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting the People to respond to the appeals upon one respondent's brief for the September 2008 Term, to which Term the appeals are adjourned. The Clerk is directed to calendar the appeals for hearing together in said September 2008 Term.

ENTER:


Clerk

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

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

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

Respondent,

-against-

GARLAND GRAVES,

Defendant.

-----X

M-1391
Ind. No. 4313/04

CERTIFICATE
DENYING LEAVE

I, Milton L. Williams, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, entered on or about January 14, 2008, is hereby denied.

Dated: New York, New York
April 10, 2008


Justice of the Appellate Division

ENTERED

APR 17 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 17, 2008.

Present - Hon. Richard T. Andrias,	Justice Presiding,
David Friedman	
John T. Buckley	
James M. McGuire	
Karla Moskowitz,	Justices.

-----x
 In the Matter of Frank Valentin,
 a disbarred attorney:
 (OCA Atty. Reg. No. 2054401)
 Petitioner,

For Reinstatement to the Bar of the State of New York, M-5977

Departmental Disciplinary Committee
 for the First Judicial Department,
 Respondent.

-----x
 An order of this Court having been entered on August 4, 1994 (M-2809), striking the name of 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 April 14, 1986), from the roll of attorneys and counselors-at-law in the State of New York, on the ground that he was automatically disbarred upon his conviction of a New York felony,

And an order of this Court having been entered on May 18, 2006 (M-307), granting petitioner's application for reinstatement to the extent of referring the matter to a Hearing Panel to conduct a hearing on whether petitioner possesses the requisite character and general fitness to resume the practice of law,

And petitioner, by his attorneys Geller & Rivera, P.C. (John Rivera, of counsel) having withdrawn said application for reinstatement by notice dated October 11, 2006,

And counsel for petitioner having resubmitted his petition to this Court on February 13, 2008, for an order 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 (Vitaly Lipkansky, of counsel) having submitted an affirmation in opposition to petitioner's application for reinstatement,

And petitioner's counsel having submitted a reply affirmation to respondent's affirmation in opposition,

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

Ordered that the petition is granted only to the extent of referring this matter, pursuant to 22 NYCRR 603.14(e) and (g), to the Committee to designate a Hearing Panel to conduct a hearing, where petitioner will have the burden of establishing by clear and convincing evidence that he has fully complied with the order of disbarment and that he possesses the requisite character and general fitness to resume the practice of law and otherwise meets the standards for reinstatement set out in Section 603.14(b) of the Rules of this Court; and directing petitioner to show cause forthwith before the Hearing Panel, which shall hold a hearing within 90 days from the date of entry hereof and issue a report and recommendation to this Court.

All concur except McGuire, J., who dissents and would deny the petition.

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 17, 2008.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
James M. Catterson
Karla Moskowitz, Justices.

-----X
In the Matter of Joel Jay Rogge,
an attorney and counselor-at-law:

Departmental Disciplinary Committee M-486
for the First Judicial Department,
Petitioner,

Joel Jay Rogge
(OCA Atty. Reg. No. 2101483),
Respondent.

-----X

The Departmental Disciplinary Committee for the First Judicial Department, by Alan W. Friedberg, its Chief Counsel (Joseph J. Hester, of counsel) having petitioned this Court on February 28, 2008, for an order pursuant to 22 NYCRR 603.3, directing that respondent (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 June 23, 1959) be publicly censured, pursuant to the doctrine of reciprocal discipline, predicated upon similar discipline issued by the Commonwealth of Massachusetts Board of Bar Overseers of the Supreme Judicial Court on September 28, 2007 or, in the alternative, sanctioning respondent as this Court deems appropriate in the circumstances,

And respondent having failed to interpose a response to the petition,

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

Ordered that the petition is granted and respondent is hereby publicly censured.

ENTER:

A handwritten signature in black ink, appearing to be 'J. W. La', written over a horizontal line.

Clerk

SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT

APR 17 2008

Peter Tom,	Justice Presiding,
David Friedman	
Eugene Nardelli	
James M. Catterson	
Karla Moskowitz,	Justices.

-----X

In the Matter of Joel Jay Rogge,
an attorney and counselor-at-law:

Departmental Disciplinary Committee for the First Judicial Department, Petitioner,	M-486
--	-------

Joel Jay Rogge,
Respondent.

-----X

Disciplinary proceedings instituted by the Departmental
Disciplinary Committee for the First Judicial Department.
Respondent was admitted to the Bar of the State of New York
at a Term of the Appellate Division of the Supreme Court for
the First Judicial Department on June 23, 1959.

Alan W. Friedberg, Chief Counsel, Departmental
Disciplinary Committee, New York
(Joseph J. Hester, of counsel), for petitioner.

No appearance for respondent.

M-486 - February 28, 2008

IN THE MATTER OF JOEL JAY ROGGE, AN ATTORNEY

PER CURIAM

Respondent Joel Jay Rogge was admitted to the practice of law in the State of New York by the First Judicial Department on June 23, 1959, and was admitted to the practice of law in the Commonwealth of Massachusetts in 1968. At all times relevant to this proceeding, respondent lived and practiced law in Massachusetts.

The Departmental Disciplinary Committee now seeks an order, pursuant to 22 NYCRR 603.3, censuring respondent predicated upon similar discipline issued by the Commonwealth of Massachusetts Board of Bar Overseers of the Supreme Judicial Court or, in the alternative, sanctioning respondent as this Court deems just and proper.

Respondent was served with a Petition for Discipline in August 2007, which set forth charges of professional misconduct concerning one client matter. Respondent was alleged to have settled a matter without his client's consent, failed to inform his client that he had accepted the settlement and was holding settlement monies, and neglected to promptly inform the other party that his client had rejected the settlement.

Respondent subsequently entered into a stipulation in which he waived a disciplinary hearing and admitted to the disciplinary

rule violations delineated in the petition, including that by settling a matter without his client's consent he violated DR 6-101(A)(2) (a lawyer shall not handle a legal matter without adequate preparation), DR 7-101(A)(1) (a lawyer shall not intentionally fail to seek the lawful objectives of the client), and DR 7-101(A)(2) (a lawyer shall not intentionally fail to carry out a contract of employment entered into with a client). Respondent further acknowledged that by failing to inform the managing partner of his client in December 1997 that he had accepted the offer of settlement and that he was holding \$1,500 received on behalf of the partnership, respondent violated DR 1-102(A)(4) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation), DR 1-102(A)(6) (a lawyer shall not engage in conduct that adversely reflects on his fitness to practice law), DR 6-102(A) (a lawyer shall not attempt to exonerate himself from or limit his liability to his client for his personal malpractice), and DR 9-102(B)(1) (a lawyer shall promptly notify a client of the receipt of his funds). Further, by failing to promptly inform the other party that his client had rejected the settlement and refusing to provide a mortgage discharge, respondent admitted he violated DR 1-102(A)(4) and (6).

The stipulation was submitted to the Board of Bar Overseers, which voted to accept it in full, and on September 28, 2007, the

Board of Bar Overseers issued an order publicly reprimanding respondent for his professional misconduct.

In the present proceeding seeking reciprocal discipline pursuant to 22 NYCRR 603.3, respondent is precluded from raising any defenses except: (1) lack of notice constituting a deprivation of due process; (2) an infirmity of the proof presented to the foreign jurisdiction; and (3) that the misconduct for which the attorney was disciplined in the foreign jurisdiction does not constitute misconduct in this State (22 NYCRR 603.3[C]; *Matter of Hoffman*, 34 AD3d 1, 2-3 [2006]; *Matter of Power*, 3 AD3d 21, 23 [2003]).

Respondent was properly served with notice of this proceeding, yet has submitted no response to the Committee. Moreover, a review of the record establishes that respondent was afforded due process and there was sufficient evidence to establish his misconduct. Indeed, respondent, represented by counsel, stipulated to his misconduct, the disciplinary rules he violated and the sanction of public reprimand, and the rule violations under which respondent was disciplined in Massachusetts are covered by the identical, or essentially identical, provisions of the New York Lawyer's Code of Professional Responsibility. Accordingly, the imposition of reciprocal discipline is appropriate.

Finally, with regard to the issue of sanctions, it is generally accepted that the state where an attorney subject to discipline lived and practiced law at the time of the offense has the greatest interest in the matter and in the public policy considerations relevant to the disciplinary action (*Matter of Milchman*, 37 AD3d 77, 79 [2006]; *Matter of Dranov*, 14 AD3d 156, 163 [2004]), and great weight should be accorded to the sanction administered by the state where the charges were originally brought (*Matter of Gentile*, 46 AD3d 53, 55 [2007]; *Matter of Harris*, 37 AD3d 90, 93 [2006]).

In this matter, Massachusetts imposed a public reprimand upon respondent, which is the equivalent of public censure in this State (*Matter of Power*, 3 AD3d at 24; *Matter of Maiorino*, 301 AD2d 53, 56 [2002]) and no reason is offered to depart from the sanction imposed by Massachusetts, which is in accord with this Court's precedent (see *Matter of Katz*, 15 AD3d 1 [2005]).

Accordingly, the Committee's petition for an order imposing reciprocal discipline should be granted and respondent should be publicly censured.

All concur.

Order filed.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2008.

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

-----X
Lowerre Place Association,

Petitioner-Landlord-Respondent,

-against-

Kenneth Banks,

M-1477
Index No. 570230/07
L&T Index No. 16038/06

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

Respondent 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 February 14, 2008, and for a stay of the warrant of eviction,

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 17, 2008, is hereby vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Luis A. Gonzalez
Eugene Nardelli
James M. Catterson, Justices.

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

-against-

M-1339
Ind. No. 86/05

Maleek Jones, also known as
Jermaine Stroman,
Defendant-Appellant.

-----X

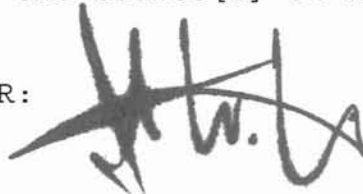
An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 12, 2005,

And defendant having renewed his motion for leave to prosecute said 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 compliance with the specific conditions set forth in the prior orders of this Court entered on July 13, 2006 (M-2740) and September 28, 2006 (M-4490), which denied poor person relief, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, Patrick J. Brackley, Esq., as well as the amount and sources of funds for trial counsel's fee, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 17, 2008.

Present: Hon. David B. Saxe, Justice Presiding,
Luis A. Gonzalez
Milton L. Williams
James M. Catterson, Justices.

-----X
Homeside Development Corp.,
Plaintiff-Respondent,

-against-

M-1182 & M-1294
Index No. 600763/04

Amin Ijbara Equity Corp.,
Defendant-Appellant,

Massey Knakal Realty Services,
et al.,
Defendants.

-----X

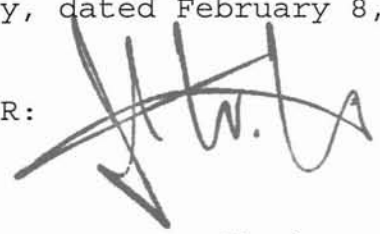
Defendant-appellant having moved for an enlargement of time in which to perfect the appeals taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 24, 2006, and from the order of said Court, entered on or about February 1, 2007 (mot. seq. no. 006), respectively [M-1182],

And plaintiff-respondent having cross-moved to dismiss the aforesaid appeals and to cancel the Notice of Pendency placed on the subject property on February 8, 2007 [M-1294],

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 for an enlargement of time to perfect the appeals is denied. The cross motion is granted, the appeals are dismissed, and the Notice of Pendency placed on the subject real property, dated February 8, 2007, is cancelled.

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 17, 2008.

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

-----X
Pedro Flores,
Plaintiff-Respondent,

-against-

M-1409
Index No. 405191/06

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

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 21, 2007 (mot. seq. no. 001),

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

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

ENTER:


Clerk.