

At a 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 22, 2008.

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

-----X
Krys Corso, et al.,

Plaintiffs-Appellants,

-against-

M-1792X
Index No. 109820/05

NYP Holdings, Inc., et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 4, 2007 (mot. seq. no. 003),

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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2008.

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

-----X
Ficus Investments, Inc., et al.,

Plaintiffs-Respondents,

-against-

M-1798X
Index No. 600926/07

Private Capital Management, LLC,
et al.,

Defendants,

Thomas B. Donovan, et al.,
Defendants-Appellants.

-----X
(And other actions)

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 2, 2008 (mot. seq. no. 015),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 2, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2008.

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

-----X

Nieve S. Gonzalez,

Plaintiff-Respondent,

-against-

M-1811X
Index No. 21003/04

New York Yankees, et al.,

Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 2, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 2, 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 22, 2008.

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

-----X
Aida Tawil and Moises Tawil,
Plaintiffs-Respondents,

-against-

M-1867
Index No. 101975/06

Caffe Tina, Inc., Caffe Tina, Inc.
doing business as Caffe Tina and
Nancy Launi doing business as
Caffe Tina,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 29, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated April 3, 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 22, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
David Friedman
James M. Catterson
Karla Moskowitz, Justices.

-----X
Isaac Salame,
Plaintiff-Respondent,

-against-

M-1524
Index No. 604327/06

Eddie Allaham,
Defendant-Appellant,

-and-

E & Z Restaurant, LLC,
Defendant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about September 17, 2007,

And, counsel for defendant-appellant having moved to withdraw as counsel on 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, with leave to renew, upon counsel's submission of a copy of the retainer agreement and proof of service of such motion upon the defendant-appellant at his last known address after diligent inquiry as to 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 22, 2008.

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

-----X
Philips South Beach LLC,
Plaintiff-Appellant,

-against-

M-1544
Index No. 103021/07

ZC Specialty Insurance Company,
Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 3, 2007,

Defendant-respondent having moved to supplement the record on appeal or in the alternative strike portions of plaintiff-appellant's brief, and related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence submitted by counsel for defendant-respondent, Thorn Rosenthal, Esq., of Cahill Gordon & Reidel, LLP, dated March 31, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2008.

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

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

-against-

M-1481
Ind. No. 5185/06

Antoine Best,
Defendant-Appellant.

-----X

Defendant-appellant having renewed his motion for a continuation of the stay of execution of judgment pending hearing and determination of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about June 19, 2007,

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

It is ordered that the motion is granted and the relief previously granted by the orders of a Justice of this Court, dated October 23, 2007 and January 7, 2008, respectively, is hereby continued on condition that the appeal is perfected for the September 2008 Term of this Court.

ENTER:


Clerk.

7

At a 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 22, 2008.

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

-----X
Jack Einheber,
Plaintiff-Appellant,

-against-

M-1496
Index No. 114682/01

Eugene Fine, M.D., 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 November 21, 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 denied and, sua sponte, the appeal is dismissed.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2008.

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

-----X
Kevin Veneski, et al.,
Plaintiffs-Respondents,

-against-

M-1511
Index No. 100011/98

Queens-Long Island Medical Group,
P.C., et al.,
Defendants,

-and-

Norman Leonard Cousins,
Non-Party Appellant.

-----X

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 February 2, 2007 (mot. seq. no. 016),

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

Ordered that the motion is denied and, sua sponte, the appeal is dismissed.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2008.

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

-----X
Marc Helie,
Plaintiff-Respondent,

-against-

M-1610
Index No. 108485/05

McDermott Will & Emery, et al.,
Defendants-Respondents,

- - - - -
Gramercy Financial Group, LLC,
Non-Party Appellant.

-----X

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 June 28, 2007 (mot. seq. no. 006),

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to 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 22, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. McGuire, Justices.

-----X
Stanley Okun,
Plaintiff-Respondent,

-against-

M-1188
Index No. 604307/02

Paul Tanners,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 17, 2008 (Appeal No. 2494),

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 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 affirmed 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.

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 22, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
Luis A. Gonzalez
Milton L. Williams, Justices.

-----X
Eurycleia Partners, LP, et al.,
Plaintiffs-Respondents,

-against-

Seward & Kissel, LLP,
Defendant-Appellant,

M-320

Index No. 600704/06

American Express Tax & Business Services, Inc., now known as RSM McGladrey, et al.,
Defendants.

Eurycleia Partners, LP, et al.,
Plaintiffs-Respondents,

Index No. 600704/06

-against-

American Express Tax & Business Services, Inc., now known as RSM McGladrey,
Defendant-Appellant,

Seward & Kissel, LLP, et al.,
Defendants.

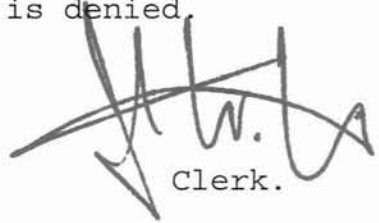
-----X

Plaintiffs-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 20, 2007 (Appeal Nos. 2405 and 2406),

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 22, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
David Friedman
Luis A. Gonzalez
James M. Catterson, Justices.

-----X
Kathryn Jordan,
Plaintiff-Respondent-Appellant,

-against-

Bates Advertising Holdings, Inc.,
formerly known as AC&R Advertising, Inc.,
Defendant-Appellant-Respondent,

M-476
Index No. 118785/99

Bates Advertising Holdings (USA), Inc.,
Defendant.

Klein Zelman Rothermel LLP,
Non-Party Intervenor-Respondent.

-----X

Plaintiff-respondent-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 27, 2007 (Appeal No. 2132),

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 22, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
James M. Catterson
Rolando T. Acosta, Justices.

-----X
In re Daniel Capellan,
Petitioner,

-against-

Hon. Lewis Bart Stone, etc., et al.,
Respondents.
- - - - -

M-826
Ind. No. 3576/06

In re Julio Santos,
Petitioner,

-against-

Hon. Lewis Bart Stone, etc., et al.,
Respondents.
-----X

Respondent District Attorney of New York County having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 15, 2008 (Appeal Nos. 2186 and 2187 [M-4943/M-4942]),

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 22, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr., Justices.

-----X
Francesco C. Clark,
Plaintiff-Respondent,

F. Cappy Kaplan, et al.,
Defendants,

M-875
Index No. 101464/04

Island Properties Real Estate &
Management Corp.,
Defendant-Appellant.

[And a Third-Party Action]

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 15, 2008 (Appeal No. 2546),

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 22, 2008.

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

-----X

The People of the State of New York
ex rel. Roy Jones,

Petitioner-Appellant,

-against-

M-1636

Index No. 402385/07

Warden, Manhattan House of Detention,
et al.,

Respondent-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 28, 2007, which dismissed a habeas corpus proceeding,

And petitioner 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 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 22, 2008.

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

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

-against-

M-1053
Ind. No. 3494/05

Claudio Labour,
Defendant-Appellant.

-----x

Respondent having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about December 13, 2005,

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

It is ordered that the motion is denied. Appellant's time in which to perfect the appeal is enlarged to on or before July 7, 2008, for the September 2008 Term of this Court. (See M-963 entered April 6, 2006, 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 22, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
David Friedman
Karla Moskowitz, Justices.

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

-against-

M-34
Ind. No. 397/93

Edward Hull, also known as
James Brown,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on May 2, 2006 (Appeal No. 8418), unanimously affirming the judgment of the Supreme Court, New York County (Lewis Bart Stone, J.), rendered on October 22, 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.

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 22, 2008.

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

-----X
Sylvia Hoagland and James Hoagland,
Plaintiffs-Respondents,

-against-

M-1682
Index No. 127516/02

The City of New York,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to perfect its appeal from an order of the Supreme Court, New York County, entered on or about June 6, 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 22, 2008.

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

-----X
In re Cecil Richardson,
Petitioner,

-against-

M-1244
Ind. No. 1425/07

Hon. William A. Wetzel, et al.,
Respondents.

-----X

Petitioner having moved for reargument of the decision and order of this Court entered on January 17, 2008 (Appeal No. 2458 [M-5559]),

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 22, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
Milton L. Williams
John W. Sweeny, Jr., Justices.

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

Respondent,

-against-

M-5368
Ind. No. 9380/91

Tyrone Peterson,

Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 3, 1996 (Appeal No. 58615), unanimously affirming the judgment of the Supreme Court, Bronx County (Martin Marcus, J.), rendered on February 15, 1994,

And an order of this Court having been entered on February 2, 2006 (M-5633), denying defendant's motion, 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,

And defendant having moved for reargument of the aforesaid order,

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.

55

At a 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 22, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
David Friedman
James M. Catterson
Rolando T. Acosta, Justices.

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

-against-

M-1457
Ind. No. 1521/00

Nathaniel Wilson,
Defendant-Appellant.

-----x

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, rendered on or about September 26, 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 22, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Milton W. Williams
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
In the Matter of a Proceeding Pursuant
to Article 6 of the Family Court Act,

Ronald S.,
Petitioner-Appellant,

-against-

Deidre R.,
Respondent-Respondent.

M-300
Docket Nos. V-06006-00/04B
V-06006-00/07C
V-06006-00/07D

-----X

Petitioner-appellant, pro se, 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 December 20, 2007, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion to the extent of filing a late notice of appeal is denied as unnecessary, the notice being timely filed, and

It is further 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, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791-3116, Telephone No. 516-921-8800, 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 **within 60 days of service of a copy of this order upon the Clerk;** (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 22, 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,

M-1407

-against-

Ind. No. 4854/03

Steven Mears,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about August 22, 2005,

And an order of this Court having been entered on January 22, 2008 (M-4327), granting defendant leave to file a pro se supplemental brief limited to the issues numbered II and III in paragraph 7 of his affidavit, dated August 21, 2007, for the June 2008 Term of this Court,

And defendant having moved for an enlargement of time in which to file his pro se supplemental brief, to address issues therein other than those permitted by the aforesaid order of this Court entered on January 22, 2008 (M-4327), to strike the appellate brief filed on his behalf by assigned counsel, Larry Sheehan, Esq., and for the assignment of other counsel to represent defendant on said appeal,

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

Ordered that the motion is granted to the extent of directing defendant-appellant to file 10 copies of his pro se supplemental brief, limited to the issues numbered II & III in paragraph 7 of his affidavit dated August 21, 2007, in accordance with the prior order of this Court entered January 22, 2008 (M-4327), on or before July 7, 2008 for the September 2008 Term, to which Term the appeal is adjourned, and the motion is otherwise denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2008.

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

-----X
Allstate Insurance Company, et al.,

Plaintiffs-Appellants,

-against-

M-1529
Index No. 600509/03

Belt Parkway Imaging, P.C.,

Defendants-Respondents,

United States of America,

Defendant.
-----X

Plaintiff-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 18, 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 22, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Luis A. Gonzalez
James M. McGuire, Justices.

-----X
Federal Insurance Company,
individually and as Subrogee of
Galaxy General Contracting Corp.,
Plaintiff-Respondent,

M-6514
Index No. 603926/05

-against-

North American Specialty Insurance Co.,
et al.,
Defendants-Appellants.
-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 8, 2007 (Appeal No. 915),

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 22, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz, Justices.

-----X
In the Matter of the Application of
Victoria Rodriguez,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-1771
of the Civil Practice Law and Rules, Index No. 400071/07

-against-

Tino Hernandez, etc., et al.,
Respondents-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 5, 2007, and said appeal having been perfected for the May 2008 Term of this Court,

And petitioner-appellant having moved for an order enlarging the time in which to file an appellant's reply 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 denied.

ENTER:


Clerk.

CORRECTED ORDER - April 23, 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 22, 2008.

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

-----X
IDT Corporation,
Plaintiff-Respondent,

-against-

M-6601
Index No. 603710/04

Morgan Stanley Dean Witter &
Co., et al.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 20, 2007 (Appeal No. 9740),

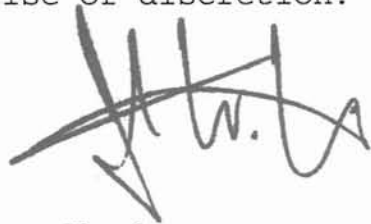
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion, to the extent that it seeks reargument, is denied. To the extent that the motion seeks leave to appeal to the Court of Appeals, the motion is 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 be reviewed by the Court of Appeals:

"Was the order of this Court, which affirmed 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.

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 22, 2008.

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

-----X
Amnon Shibolet, et al.,

Plaintiffs-Respondents,

-against-

M-1420
Index No. 600350/98

Joseph Yerushalmi and Yerushalmi & Associates, LLP,

Defendants-Appellants,

N.S.N. International Industries, N.V., et al.,

Defendants.

-----X

Defendants-appellants 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 March 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 October 2008 Term and appellants are directed to so perfect.

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 22, 2008.

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

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

Shawn Clark,
Petitioner-Appellant,

M-1522
Index No. 118123/06

For a Judgment Pursuant to
Article 78 of the CPLR,

-against-

Raymond Kelly, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-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 (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 appellant's 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 22, 2008.

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

-----X
The People of the State of New York,
ex rel. Allen Mack,
Petitioner-Appellant,

-against-

M-1549
Ind. No. 51611/06

Warden, Riker's Island Correctional Facility and New York State Division of Parole,

Respondents.

-----X

Petitioner-appellant having moved for leave to file a pro se supplemental brief in connection with his appeal from a judgment of the Supreme Court, Bronx County, entered on or about December 7, 2006, dismissing the petition for a writ of habeas corpus, and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of deeming the supplemental pro se brief submitted with the moving papers as filed for the September 2008 Term, to which Term the appeal is adjourned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2008.

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

-----X
Mariela Fermin,
Plaintiff-Appellant,

-against-

M-1643
Index No. 110262/06

Rita Dutt,
Defendant-Respondent.
-----X

Counsel for defendant-respondent having moved for expedited hearing of the appeal from the order of the Supreme Court, New York County, entered on or about November 7, 2007 (mot. seq. no. 002),

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

It is ordered that the motion is denied, without prejudice to defendant-respondent moving to dismiss the appeal should appellant fail to perfect on or before July 7, 2008 for the September 2008 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 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-1112
Ind. No. 5470/04

Pedro Concepcion,
Defendant-Appellant.
-----X

The People having moved to dismiss the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 21, 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 and the appeal is dismissed.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2008.

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

-----X
In the Matter of

Jennifer R.,

M-1385

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

Docket No. NN17365-01/05D

Mercy First/Angel Guardian
Children and Family Services,
Petitioner-Respondent,

Elba R.,
Respondent-Appellant.

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

-----X

Petitioner-respondent having moved for dismissal of the appeal taken from the order of the Family Court, Bronx County, entered on or about July 24, 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 and the appeal is dismissed, without prejudice to respondent seeking relief pertaining to the order of said Court entered on or about November 24, 2007 under Family Court Docket No. B20933/06 which terminated respondent's parental rights.

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 22, 2008.

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

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

-against-

M-6237
Ind. No. 2365/03

Chauncey Dillon,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 6, 2006 (Appeal No. 8682), unanimously affirming the judgment of the Supreme Court, New York County (Bonnie Wittner, J.), rendered on December 17, 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.

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 22, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
John T. Buckley
Rolando T. Acosta, Justices.

-----X
Jawaun Craig Hall,
Plaintiff-Appellant,

-against-

M-1872
Index No. 7212/06

Elrac, Inc., doing business as
Enterprise Rent a Car,
Defendant-Respondent,

-and-

Lucas Alvarez and Gilbert Alvarez,
Defendants.

United States of America,
Intervenor Appellant.
-----X

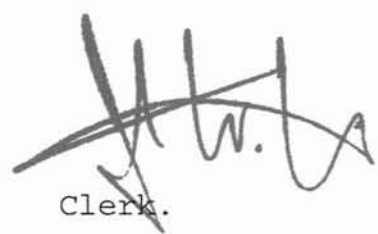
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 24, 2007,

And the United States of America having moved for leave to intervene herein, to file a brief in connection with the aforesaid appeal and to appear at argument,

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 briefs submitted with the moving papers are deemed filed.

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 22, 2008.

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

-----X
Norberto Aponte,
Plaintiff-Respondent,

-against-

M-1640
Index No. 15687/04

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

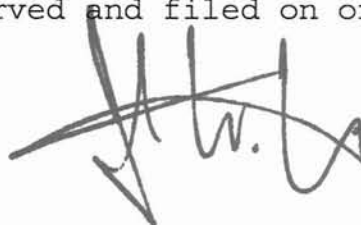
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 7, 2007,

And plaintiff-respondent having moved for an order striking from defendants-appellants record on appeal, the supplemental affirmation of Nikolaos E. Diamantis and Exhibits 1-2 (Record, pp. 630-645),

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, without prejudice to plaintiff addressing the issue on the appeal. Respondent's brief is to be served and filed on or before April 30, 2008 and the appellants' reply, if any, to be served and filed on or before May 9, 2008.

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 22, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz, Justices.

-----x
2386 Creston Avenue Realty LLC,
Plaintiff-Appellant,

-against-

M-P-M Management Corp., et al.,
Defendants,

M-1830
Index No. 8083/05

-and-

Pioneer Parking, LLC,
Defendant-Respondent.

[And another action]
-----x

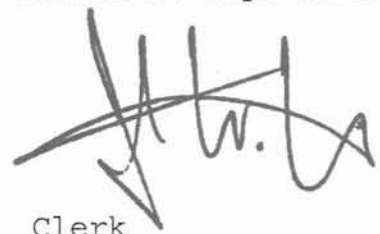
Separate appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about February 21, 2008 and March 27, 2008, respectively,

And plaintiff-appellant having moved for a stay of cancellation of the notice of pendency pending hearing and determination of the appeal from the order entered on or about February 21, 2008,

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

It is ordered that the motion is granted on condition plaintiff posts an undertaking in the amount of \$25,000 within 20 days of the date of entry hereof and upon further condition the appeal be perfected for the September 2008 Term. Upon failure to comply with either condition, an order vacating the stay may be entered ex parte, provided that defendant-respondent serves a copy of this order upon plaintiff-appellant within 10 days after the date of entry hereof.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 22, 2008.

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

-----X
3657 Realty Co., LLC,
Petitioner-Landlord-Respondent,

-against-

M-1611A
Index No. 570263/06

Ida Mae Jones,
Respondent-Tenant-Appellant,

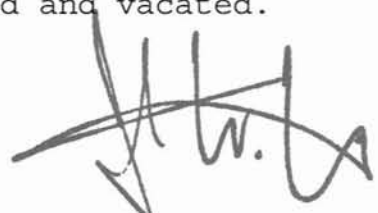
"John Doe" and "Jane Doe",
Respondents-Undertenants-Appellants.
-----X

Respondent-tenant-appellant having moved for a stay of eviction pending hearing and determination of the perfected appeal taken from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about January 23, 2008 and for a preference in the hearing of the appeal,

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

Ordered that the motion is granted on condition appellant pays use and occupancy in the amount of the last legal rent for the unit on or before the 1st day of each month. Should appellant fail to timely pay use and occupancy, respondent may move on notice to vacate the stay. Appellant's reply brief to be served and filed on or before May 2, 2008 for the June 2008 Term, for which Term the Clerk is directed to calendar the appeal for hearing. Sua sponte, the order of this Court entered on April 10, 2008 (M-1611), is hereby recalled and 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 22, 2008.

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

-----X
In the Matter of the Commitment of

Johnny G., Jr.,

Pursuant to §384-b of the Social Services Law of the State of New York.

MercyFirst,
Petitioner-Appellant,

M-1417A
Docket No. B4258/05

Johnny G., Sr., also known as
G., Johnny Willie, also known as
G. Willie, also known as G.,
Johnny,
Respondent-Respondent.

Steven Banks, Esq., The Legal Aid Society, Juvenile Rights Division,
Law Guardian for the Child.

-----X

Counsel for respondent-respondent having moved for leave to respond, as a poor person to, the appeal from an order of the Family Court, Bronx County, entered on or about August 30, 2007, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Joseph V. Moliterno, Esq., 670 White Plains Road, Suite 207, Scarsdale, New York 10583, Telephone No. 914-722-6922, as counsel for purposes of responding to the appeal; and counsel is directed to respond to said appeal on or before August 6, 2008 for the September 2008 Term for which Term the Clerk is directed to calendar the appeal for hearing.

Counsel is directed to contact the Clerk of this Court with respect to obtaining a copy of the minutes. Sua Sponte, the order of this Court entered on or about April 10, 2008 (M-1417) is herewith recalled and vacated.

ENTER:

A handwritten signature in black ink, appearing to be "M.W.L.", written in a cursive style.

Clerk