

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 August 5, 2008.

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

-----X
Robert Iorio,
Plaintiff-Appellant,

-against-

M-3382X
Index No. 601894/07

Northern Building Products, Inc.,
et al.,
Defendants-Respondents.

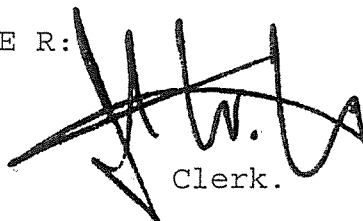
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 22, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 9, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 August 5, 2008.

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

-----X
Mario Recarte,
Plaintiff-Respondent,

-against-

Triangle Developers, Inc.,
Defendant-Appellant.
-----X

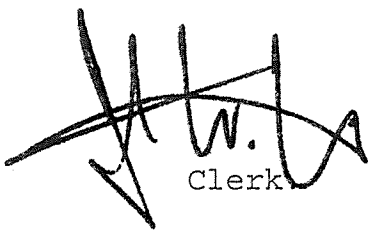
M-3385X
Index No. 16277/05

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 12, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 7, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 August 5, 2008.

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

-----X
Frances Nieves,
Plaintiff-Appellant-Respondent,

Jessica Sterling,
Plaintiff-Respondent,

-against-

M-3440
Index No. 20373/04

General Motors Corporation,
Defendant-Respondent,

-and-

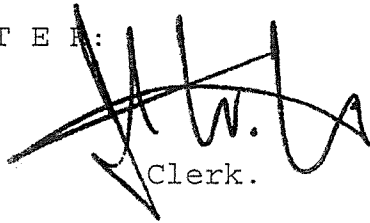
City of New York and New York City
Police Department,
Defendants-Respondents-Appellants.
-----X

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

Now, upon reading and filing the stipulation of the parties hereto, filed July 7, 2008, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the September 2008 Term, are 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 August 5, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

-against-

M-3006
Ind. No. 571/05

Michael Hinton,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an order of discontinuance of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about November 17, 2005,

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

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 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,
Appellant,

-against-

M-3267
Ind. No. 1144/98

Rafael Fernandez,
Defendant-Respondent.

-----X

Defendant having moved for dismissal of the appeal taken by the People from the order of the Supreme Court, New York County, entered on or about July 17, 1998,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from defendant's counsel dated July 2, 2008 and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn the People having previously withdrawn the appeal.

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 August 5, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Dominick Ferraro,
Plaintiff-Appellant,

-against-

M-1870
Index No. 109443/07

The Seamen's Church Institute
of New York and New Jersey and
Bill Breen,
Defendants-Respondents.


-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 10, 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 and the appeal is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
David Mercedes,
Plaintiff-Appellant,

-against-

M-2372
Index No. 16880/03

The City of New York, 361 East Realty Associates LLC and Jugalanga.com, Inc.,
Defendants-Respondents.

-----X
361 East Realty Associates, LLC,
Third-Party Plaintiff,

-against-

Index No. 83407/04

Eliyahu Idi doing business as
Jugalanga.com, Inc.,
Third-Party Defendants.

-----X
Eliyahu Idi doing business as
Jugalanga.com, Inc.,
Fourth-Party Plaintiffs,

-against-

Index No. 84998/05

Granite State Insurance Company, an
Affiliate of AIG, and Alwex Inc.,
doing business as Alwex Insurance,
Fourth-Party Defendants.

-----X
David Mercedes,
Plaintiff-Appellant,

-against-

Index No. 25213/05

Eliyahu Idi doing business as
Jugalanga.com, Inc., and Eliyahu
Idi, individually.
Defendants-Respondents.

-----X

Defendant 361 East Realty Associates, LLC having moved for dismissal of the appeal taken by plaintiff David Mercedes from an order of the Supreme Court, Bronx County, entered on or about March 21, 2007,

Now, upon reading and filing the stipulation dated May 29, 2008, with respect to the motion, and due deliberation having been had thereon,

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Peter Voletsky,
Plaintiff-Respondent,

-against-

M-2959
Index No. 129107/93

Masatoshi (Mark) Morita, an individual,
and Sam Enterprises Co.,
Defendants-Appellants.
-----X

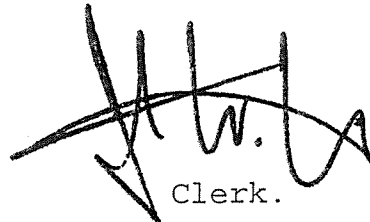
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 31, 2007 (mot. seq. no. 001),

And plaintiff-respondent having moved to dismiss the appeal as untimely taken 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 dismissing the appeal 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 August 5, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
David B. Saxe
Milton L. Williams
John T. Buckley, Justices.

-----X
Emfore Corp.,
Plaintiff-Appellant,

-against-

Blimpie Associates, Ltd., et al.,
Defendants-Respondents.
-----X

M-2821
M-2989
Index No. 601400/04

An order of this Court having been entered on May 6, 2008 (M-248/M-994), inter alia, denying defendants-respondents' motion 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 No. 2382), and granting the motion of International Franchise Association for leave to file an amicus curiae brief in support of the motion,

And defendants-respondents having moved for reargument/ modification of or for leave to appeal to the Court of Appeals from the order of this Court entered on May 6, 2008 (M-2821),

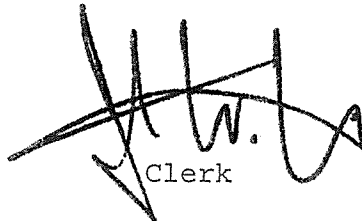
And the International Franchise Association having moved for leave to file a brief amicus curiae in support of respondents' motion (M-2989),

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

It is ordered that the motion for reargument/modification or leave to appeal to the Court of Appeals is denied (M-2821).

The motion seeking leave to file a amicus curiae brief is granted to the extent of deeming the amicus curiae brief served with the moving papers as filed (M-2989).

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 August 5, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Jayvien E.,

A Child Under 18 Years of Age Alleged to be Neglected under Article 10 of the Family Court Act.

Administration for Children's Services,
Petitioner-Respondent,

M-3063
Docket No. N15864/06

Marisol T.,
Respondent-Appellant.

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

-----X
Respondent-appellant mother 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 April 8, 2008, 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 (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Susan Jacobs, Esq., Center for Family Representation, Inc., 116 John Street, 19th Floor, New York, New York 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 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 August 5, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

Faith Dove,

Defendant-Appellant.
-----X

M-2325
M-2880
Ind. No. 90139/05

Defendant having moved by duplicative motions for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 21, 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including copies of defendant's income tax returns for the years 2006 and 2007.

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 August 5, 2008.

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

-----X
In the Matter of

John Thomas G., also known as
John G., Jr.,

M-2559

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. B24201/03

- - - - -
St. Dominic's Home, et al.,
Petitioners-Respondents,

John G.,
Respondent-Appellant.

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

-----X

Respondent-appellant father, John G., having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about April 30, 2008, 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. (See M-2559A, decided simultaneously herewith.)

ENTER:



Clerk.

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

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

BEFORE: Hon. Richard T. Andrias,
Justice of the Appellate Division

-----X

In the Matter of

John Thomas G., also known as
John G., Jr.,

M-2559A

Docket No. B24201/03

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

St. Dominic's Home, et al.,
Petitioners-Respondents,

John G.,
Respondent-Appellant.

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

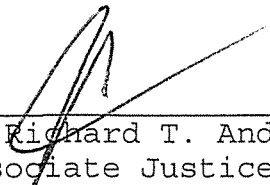
-----X

Respondent-appellant father, John G., having moved for a stay of the order of Family Court, New York County, entered on or about April 30, 2008, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied. (See M-2559, decided simultaneously herewith.)

Dated: New York, New York



Hon. Richard T. Andrias
Associate Justice

ENTERED AUG 5 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 August 5, 2008.

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

-----X
Silke Winter,

Plaintiff-Respondent-Appellant,

-against-

M-2776
Index No. 350534/04

Pierre Winter,

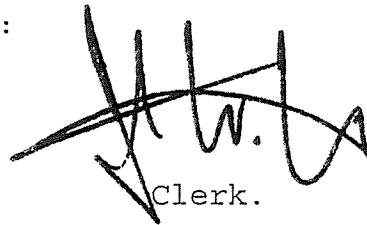
Defendant-Appellant-Respondent.
-----X

Defendant-appellant-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 April 15, 2008 (Appeal No. 3399),

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 August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-3097
Index No. 51575/06

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

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

And petitioner-appellant having moved for leave 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 August 5, 2008.

PRESENT - Hon. Peter Tom, Presiding Justice,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Nancy Waldbaum Nimkoff,
Plaintiff,

-against-

M-3159
Index No. 350768/02

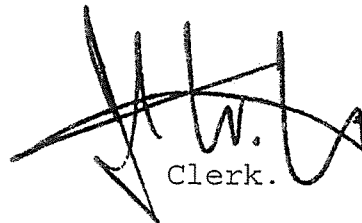
Ronald A. Nimkoff,
Defendant.
-----X

Defendant having moved pursuant to CPLR 5704(a), for modification of the temporary access schedule previously issued by the Supreme Court said relief having been denied by a Justice of the Supreme Court, New York County, on or about June 6, 2008 (mot. seq. no. 064),

Now, upon reading and filing the papers with respect to the motion and the correspondence from defendant's counsel dated July 10, 2008 and due deliberation having been had thereon, it is

Ordered that the motion 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 August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

"Baby Girl" A., also known as Keyshawna A., also known as Keyshawna M. A.,

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

M-3135
Docket No. B-16384/00

Jewish Child Care Association of New York and the Commissioner of Social Services, et al.,
Petitioners-Respondents,

Keyshawna H., also known as Keyshawna L. H.,
Respondent,

Darryl A., also known as Darrell A.,
Respondent-Appellant.

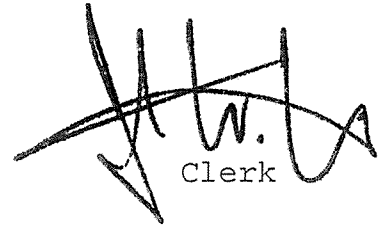
-----X

Petitioner having moved for dismissal of the appeal taken by respondent father Darryl A. from an order of the Family Court, Bronx County, entered on or about December 14, 2007,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected on or before September 2, 2008 for the November 2008 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serve a copy of this order upon appellant at his last known address after diligent inquiry as to same within ten days after the date of entry hereof.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-3065
Ind. No. 886/07

Joseph Alex,
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 May 15, 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 August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-3204
Ind. No. 1242/04

Darrell Williams,
Defendant-Appellant.

-----X

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

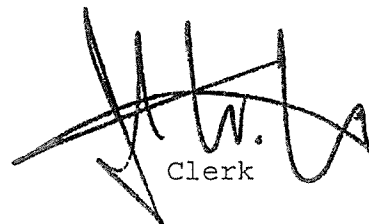
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of the June 19 and June 20, 2008 resentencing proceedings pursuant to CPL §460.70. 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 August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-3307
Ind. No. 6655/06

Kenny Campos,
Defendant-Respondent.

-----X

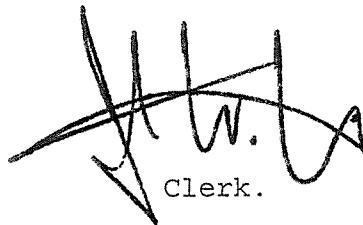
Defendant having moved for leave to respond, as a poor person, to the People's appeal from the order of the Supreme Court, New York County, entered on or about October 31, 2007, and for assignment of counsel, and for related relief,

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 granted to the extent of permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the People and 10 copies thereof are filed with this Court; and assigning pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. 212-577-2523, as counsel for purposes of responding to the appeal.

It is further ordered that the appeal is adjourned to the November 2008 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-3113
Ind. No. 99011/07

Tomas Arocho,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Megan Tallmer, J.) entered on or about November 5, 2007, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

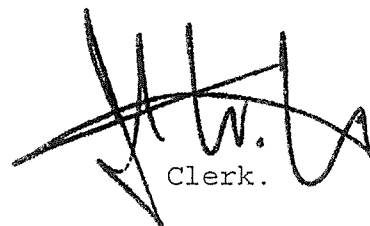
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

Sandra Rivera,
Petitioner,

M-3165

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

Index No. 113472/07

-against-

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

Respondents.
-----X

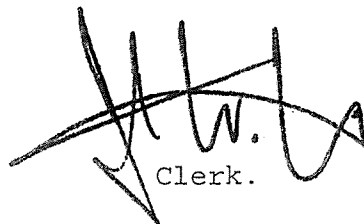
An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 12, 2008, to review a determination of respondents,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's 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 permitting the proceeding to be heard upon the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for respondents and file 10 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-2832
Ind. No. 1667/99

Carlos Savinon,
Defendant-Appellant.

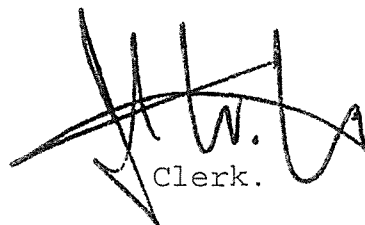
-----X

Defendant having moved for leave to prosecute, as a poor person, an appeal from the order of the Supreme Court, New York County, rendered on or about May 14, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, J. Kousouros, Esq. and to post the \$50,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-2980
Ind. No. 5365/07

Wilfredo Sierra, also known as
Mario Milanés,
Defendant-Appellant.


-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about January 18, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, S. Braverman, Esq., and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-3061
Ind. No. 3580/07

Robert Johnson,

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

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$5,000 bail in the Supreme Court, the disposition thereof, 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 August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-3101
Ind. No. 2151/00

Juan Goris,
Defendant-Appellant.

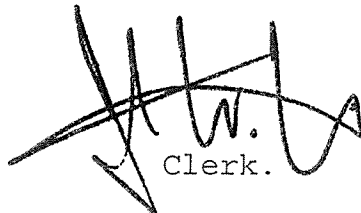
-----X

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

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, Ismael Gonzalez, Esq., and to post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X

The People of the State of New York,
Respondent,

-against-

M-3108
Ind. No. 1966/07

Tony Clanton,

Defendant-Appellant.

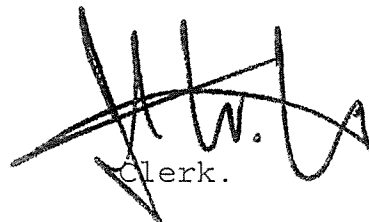
-----X

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 June 10, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Christopher Booth, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-2931
Ind. No. 3435N/07

Segundo Tutiven,
Defendant-Appellant.

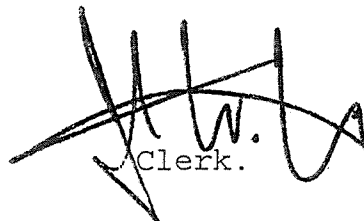
-----X
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 3, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, 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 only to the extent of deeming the notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal.

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 August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-3008
Ind. No. 3786/07

Stephany Almonte,
Defendant-Appellant.

-----X

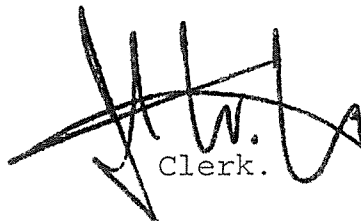
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 24, 2008, for leave to prosecute the appeal as a poor person, upon the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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 deeming the notice of appeal timely filed.

The motion, insofar as it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, Joseph Schioppi, Esq., and to post the \$5,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-3009
Ind. No. 3258/06

Crystal Pugh,
Defendant-Appellant.
-----X

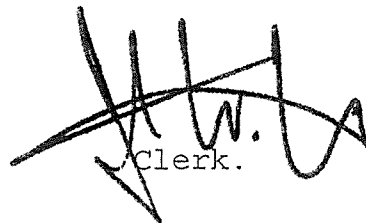
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 4, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related 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 only to the extent of deeming the notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal.

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 August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-3028
Ind. No. 4717/07

Gemel Britt,
Defendant-Appellant.

-----X

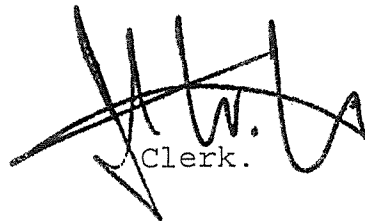
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about April 9, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for 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 only to the extent of deeming the notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal.

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 August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-3031
Case No. 64501C/04

Peter Martinez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of resentence of the Supreme Court, Bronx County, rendered on or about April 9, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

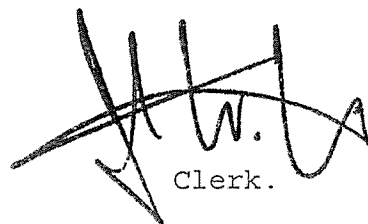
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

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 August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Hamiltonian Corporation,
Plaintiff-Respondent,

-against-

M-3367
Index No. 113395/06

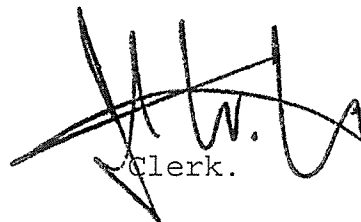
Trinity Centre LLC,
Defendent-Appellant.
-----X

Plaintiff-respondent having moved for an enlargement of time in which to serve and file a responding brief on the appeal from an order of the Supreme Court, New York County, entered on or about August 23, 2007,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the November 2008 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-3105

Ind. No. 7381/01

German Rios-Davilla, also known as
German Rios-Davila, also known as
German Rios,
Defendant-Appellant.

-----X

An order of this Court having been entered on March 22, 2005 (M-1123), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 19, 2003, and assigning Richard M. Greenberg, Office of the Appellate Defender, as counsel to prosecute the appeal, and said appeal having been perfected for the October 2008 Term,

And defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about June 10, 2008, denying defendant's motion to be re-sentenced, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, to consolidate said appeal with the aforesaid appeal from the judgment rendered on or about May 19, 2003, 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 consolidating the aforesaid appeals and the poor person relief previously afforded defendant is extended to cover the appeal from the subsequent order of Supreme 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 Sec 722 of the County Law of any proceedings before Judge William J. Wetzel, if any. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed. The Clerk is directed to calendar the consolidated appeals for hearing together in the January 2009 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 August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----x
Loretta McCoy,
Claimant-Appellant,

-against-

The State of New York
Defendant-Respondent.

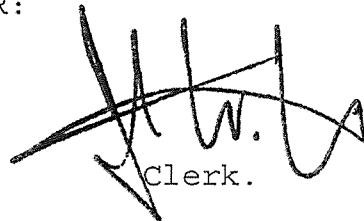
Court of Claims
M-2890
Claim No. 103334

-----x
Claimant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Court of Claims of the State of New York entered on or about August 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 November 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 August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
In the Matter of

Susan Elizabeth Z., also known as
Elizabeth Z.; Kayla Mary Z.,
also known as Kayla Z.;
Priscilla Rose A., also known as
Priscilla A.,

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

- - - - -
Catholic Guardian Society,
Petitioner-Respondent,

M-3196
Docket Nos. B6067/04
B6068/04
B6069/04

Rosemary Z.,
Respondent-Appellant.

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

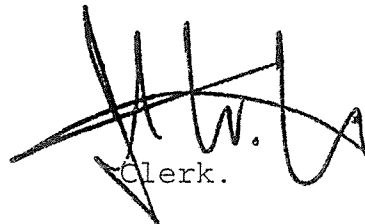
-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the orders of the Family Court, New York County, entered on or about June 14, 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 November 2008 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----x
Elana B. Lubit,

Plaintiff-Respondent,

-against-

M-3200
Index No. 350479/04

Roy H. Lubit,

Defendant-Appellant.
-----x

Defendant-appellant 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 September 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 to the extent of enlarging the time in which to perfect the appeal to the November 2008 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
1319 Third Avenue Realty Corp.,
Plaintiff-Appellant,

-against-

M-3273
Index No. 119585/02

Chateaubriant Restaurant
Development Company LLC,
Defendant-Respondent,

-and-

Ahmed Qasemi,
Non-party Appellant.

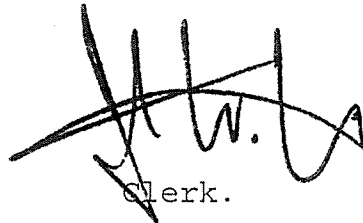
-----X

Plaintiff-appellant and non-party appellant having jointly 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 September 25, 2007 (mot. seq. no. 011),

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

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

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 August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----x
Industry City Management, et al.,

Plaintiffs-Appellants,

-against-

M-3532

Index No. 114330/05

Atlantic Mutual Insurance Company,

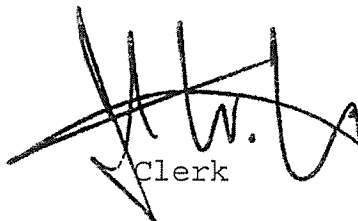
Defendant-Respondent.
-----x

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 25, 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 November 2008 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----x
CMI II, LLC,
Plaintiff-Respondent,

-against-

Newman & Newman, P.C.,
Defendant-Appellant.

M-2960
Index No. 602269/05

- - - - -
Newman & Newman, P.C.,
Interpleading Plaintiff-Appellant,

-against-

Interactive Brand Development, et al.,
Interpleaded Defendants-Respondents.

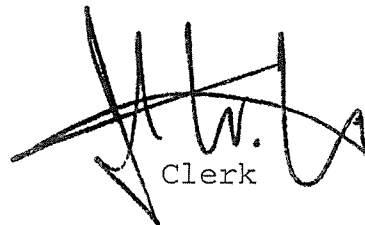
-----x

Defendant/interpleading plaintiff-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 October 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 granted to the extent of enlarging the time in which to perfect the appeal to the December 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 August 5, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Katsam Holdings LLC,
Plaintiff-Respondent,

-against-

419 West 55th Street Corporation and
419 West 55th Street LLC,
Defendants-Appellants.

M-3176
Index No. 117297/06


-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 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 appellants' time in which to perfect the appeal to the December 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 August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Keiwan Sital,

Plaintiff-Respondent,

-against-

City of New York,

Defendant-Appellant.
-----X

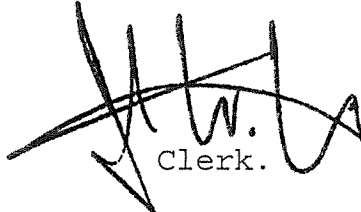
M-3207
Index No. 7058/03

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about September 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 December 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 August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----x
Citidress II, also known as Citidress
II Corp., etc.,
Plaintiff-Appellant,

-against-

207 Second Avenue Realty Corp., et al.,
Defendants-Respondents.

207 Second Avenue Realty Corp, et al.,
Counterclaim-Plaintiff-Respondents,

M-3297
Index No. 121848/99

-against-

Citidress II, also known as Citidress
II Corp., etc.,
Counterclaim-Defendant-Appellant.

Hinshaw & Culbertson, LLP,
Non-Party Respondent-Appellant.

-----x
Plaintiff Citidress II, etc. having taken an appeal from five orders of the Supreme Court, New York County, entered on or about October 25, 2007 (mot. seq. nos. 020, 021, 022, 023),

And non-party respondent Hinshaw & Culbertson, LLP having taken a cross appeal from said order which denied its motion against Citidress II for frivolous litigation sanctions pursuant to 22 NYCRR § 130-1.1,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the direct appeal,

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

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

ENTER:

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

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Gunn, Steers & Company, L.L.C.
and John F. Gunn,
Plaintiffs-Appellants,

-against-

M-3218
Index No. 602318/07

William M. Steers,
Defendant-Respondent.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about August 6, 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 January 2009 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 August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----x
Christopher Chunn,
Plaintiff,

-against-

New York City Housing Authority,
Defendant-Respondent,

-and-

American Security Systems, Inc.,
Defendant-Appellant.

- - - - -
New York City Housing Authority
Third-Party Plaintiff-Respondent,

-against-

M-3471
Index No. 116764/06

American Security Systems, Inc.,
Third-Party Defendant-Appellant.

- - - - -
New York City Housing Authority,
Second Third-Party
Plaintiff-Respondent,

-against-

National Casualty Company and Scottsdale
Insurance Company,
Second Third-Party
Defendants-Appellants.

-----x
Separate appeals having been taken to this Court by Second third-party defendants National Casualty Company and Scottsdale Insurance Company, and defendant/third-party defendant American Security Systems, Inc. from the order of the Supreme Court, New York County, entered on or about March 11, 2008 (mot. seq. no. 001), and said appeals having been perfected,

And defendant/third-party plaintiff/second third-party plaintiff-respondent New York City Housing Authority having moved for adjournment 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 and the appeals are adjourned to the October 2008 Term.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Gryphon Domestic VI, LLC, et al.,
Plaintiffs/Judgment Creditors-
Appellants,

Warner Mansion Fund,
Plaintiffs/Judgment Creditors,

M-3310
Index No. 603315/02

-against-

APP International Finance Company,
B.V., P.T. Lontar Papyrus Pulp &
Paper Industry, Asia Pulp & Paper
Company Ltd., Indah Kiat International
Finance Company B.V. and P.T. Indah
Kiat Pulp & Paper Corporation,
Defendants/Judgment Debtors-
Respondents.

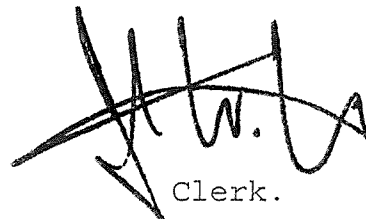
-----X

Plaintiffs/judgment creditors-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 July 13, 2005 (mot. seq. no. 023),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties, dated July 1, 2008, 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 April 2009 Term. (See M-3311 and M-3292, decided simultaneously herewith).

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 August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----x
Gryphon Domestic VI, LLC, et al.,
Plaintiffs/Judgment Creditors-
Appellants-Respondents,

-and-

Warner Mansion Fund,
Plaintiff/Judgment Creditor,

-against-

APP International Finance Company, B.V.,
et al.,
Defendants,

M-3311
Index No. 603315/02

-and-

Indah Kiat International Finance Company,
B.V., et al.,
Defendant/Judgment Debtors.

- - - - -
Schnader Harrison Segal & Lewis LLP,
et al.,
Non-Party Respondents,

-and-

White & Case LLP,
Non-Party Respondents-Appellants.

-----x
Plaintiffs/judgment creditors-appellants-respondents Gryphon Domestic VI, LLC, et al. having moved for an enlargement of the time of the parties in which to perfect the appeal and cross appeal from the consolidated orders of the Supreme Court, New York County, entered on or about January 19, 2006,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties, dated July 1, 2008, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time of the parties in which to perfect the appeal and cross appeal to the April 2009 Term. (See M-3310 and M-3292, decided simultaneously herewith).

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 August 5, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Gryphon Domestic VI, LLC, et al.,
Plaintiffs-Respondents,

Warner Mansion Fund,
Plaintiff,

M-3292
Index No. 603315/02

-against-

APP International Finance Company,
B.V., et al.,
Defendants,

Indah Kiat International Finance
Company B.V. and P.T. Indah Kiat
Pulp & Paper Corporation,
Defendants-Appellants.

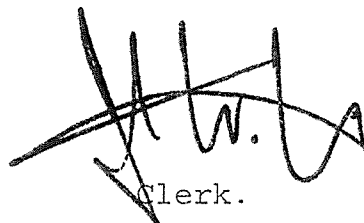
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 27, 2006 (mot. seq. no. 036),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties, dated July 1, 2008, 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 April 2009 Term. (See M-3310 and M-3311, decided simultaneously herewith).

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 August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Amy L. Roberts, et al.,
Plaintiffs-Appellants,

-against-

Tishman Speyer Properties, L.P.,
et al.,
Defendants-Respondents.

M-3525
M-3545
M-3562
Index No. 100956/07

-----X

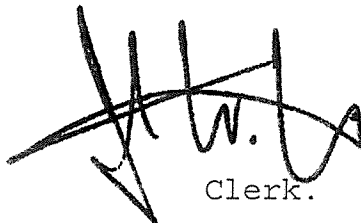
An appeal having been taken to this Court by the above-named plaintiffs from the order of the Supreme Court, New York County, entered on or about August 23, 2007 (mot. seq. no. 003),

And the Manhattan Borough President Scott M. Stringer ["MBP"] (M-3525), Community Housing Improvement Program, Inc. and Small Property Owners of New York, Inc. (M-3545), and Rent Stabilization Association of New York City, Inc. (M-3562), having all respectively moved for leave to file a brief and to appear amicus curiae in connection with the aforesaid appeal,

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

It is ordered that the motions are granted to the extent of deeming the amicus curiae briefs as filed for the September 2008 Term. The motions are 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 August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----x
Dennis M. Dodge, Jr., etc., et al.,

Plaintiffs-Respondents,

-against-

M-3317
Index No. 603026/07

William Lynch, etc., et al.,

Defendants-Appellants.
-----x

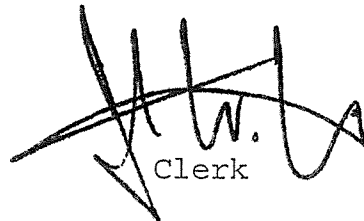
An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about May 28, 2008,

And defendants-appellants having moved, pursuant to CPLR 5519, for a stay of enforcement of the judgment pending hearing and determination of the aforesaid perfected appeal,

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

It is ordered that the motion is granted.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Embraer Finance Ltd.,

Plaintiff-Appellant,

-against-

M-3376
Index No. 603107/05

Servicios Aeros Profesionales,
S.A.,

Defendant-Respondent.
-----X

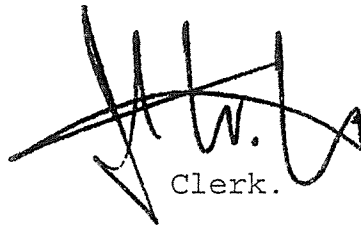
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 21, 2008 (mot. seq. no. 003), and said appeal having been perfected for the September 2008 Term,

And plaintiff-appellant having moved for a stay of discovery and trial, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----x

Gerard Gomez, et al.,
Plaintiffs-Respondents,

M-3589

-against-

Index No. 23476/04

Sharon Baptist Board of Directors, Inc.,
Defendant-Appellant.

- - - - -

Sharon Baptist Board of Directors, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Index No. 84824/05

S.M. Construction Co.,
Third-Party Defendant-Respondent.

-----x

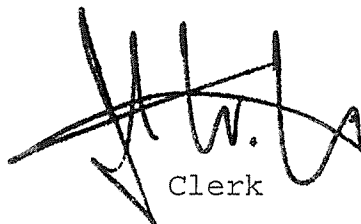
An appeal having been taken to this Court by defendant/
third-party plaintiff-appellant from the order of the Supreme
Court, Bronx County, entered on or about February 27, 2007,

And defendant/third-party plaintiff-appellant having moved
for a stay of trial scheduled for August 11, 2008, pending
hearing and determination of the aforesaid perfected appeal,

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

It is ordered that the motion is granted.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----x
Nicholas Lavacca,

Plaintiff-Respondent,

-against-

M-2763

Index No. 115346/06

Todd Bazzini,

Defendant-Appellant.
-----x

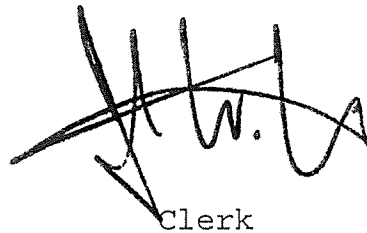
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 16, 2008 (mot. seq. no. 002),

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

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

It is ordered that the motion is 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 August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
First Sealord Surety, Inc.,
Plaintiff-Appellant,

-against-

M-3467
Index No. 107152/06

Vesta 24 LLC, HRH Construction,
LLC; The Condominium Board of
Managers of the Vesta 24 Condominium;
Wachovia Bank, N.A.; and Vigilant
Insurance Company,
Defendants-Respondents,

The American Millennium Fund LLC;
Inter Metal Fabrication Inc;
Pucuda, Inc./Leading Edge Safety
Systems; Anthony Franco P.E.P.C;
Oldcastle Precast, Inc.; Hallmark
Electrical Supply; Eastern
Exterior Wall System, Inc.;
MERS, as nominee for Merrill Lynch
Credit Corporation; Wells Fargo
Bank, N.A.,
Defendants.

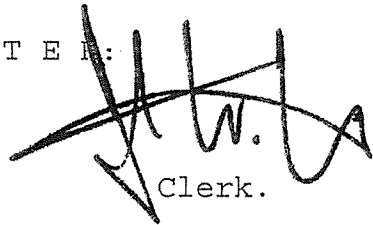
-----X

Plaintiff-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about June 3, 2008 pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is granted on condition that the appeal is perfected for the December 2008 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondents serve a copy of this order upon appellant within 10 days after the date of entry hereof.

E N T E R :

A handwritten signature in black ink, appearing to be "J. W. L.", written over the word "ENTER:" and the word "Clerk.".

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W: Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Tico, Inc. and Trust under the will of Benjamin Cohen Article Eighth A for the benefit of Barbara Cohen, Jay Cohen, Trustee, individually and as Limited Partners of 425 Park Avenue Company, a Limited Partnership, suing on behalf of themselves and all others similarly situated, for the benefit of 425 Park Avenue Company, Plaintiffs-Appellants,

M-3423
Index No. 650235/06

-against-

Charles R. Borrok, et al.,
Defendants-Respondents.

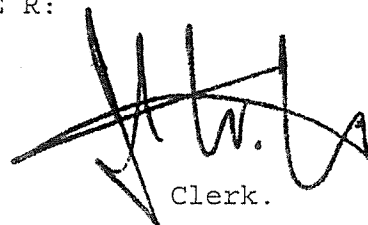
-----X
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 27, 2007,

And defendants-respondents Charles R. Borrok, Andrew Singer Borrok, individually and as General Partners of 425 Park Avenue Company having moved for leave to strike plaintiffs-appellants' record, for dismissal of the aforesaid appeal or, in the alternative, for an enlargement of 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 granted only to the extent of enlarging the record on appeal to include Exhibits B through J to the moving papers, and the affirmation of John D. Rue, dated July 11, 2008 and to direct the appellants to immediately file 10 copies of a supplemental record containing the aforesaid documents. The motion is otherwise 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 in the County of New York on August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Ladies Mile, Inc.,

Plaintiff-Appellant,

-against-

M-3115
Index No. 111368/04

Aytan Diamond,

Defendant-Respondent.
-----X

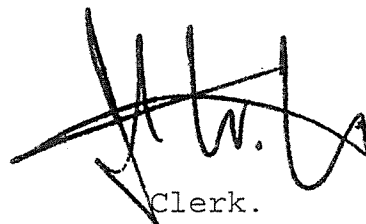
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 2, 2008 (mot. seq. no. 005),

And plaintiff-appellant having moved, pursuant to CPLR 5519(c) to stay enforcement of the aforesaid order, pending hearing and determination 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 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 August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Violin Entertainment Acquisition
Company, Inc.,
Petitioner-Respondent,

-against-

M-3164
Index No. 601476/08

Virgin Entertainment Holdings, Inc.
Respondent-Appellant.

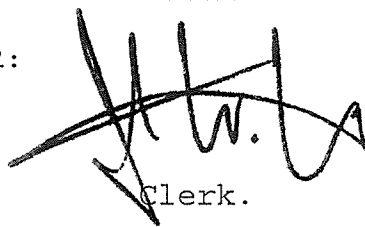
-----X

Respondent-appellant having moved for a stay of arbitration pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 17, 2008 (mot. seq. no, 001),

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Trump Plaza Owners, Inc.,

Plaintiff-Respondent,

-against-

Dorothea M. Weitzner,

Defendant-Appellant.
-----X

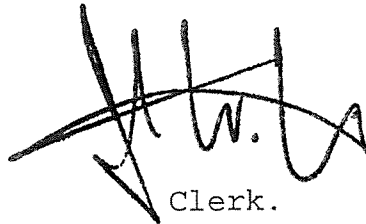
M-3241
Index No. 110351/03

Defendant-appellant having moved for a stay of the order of the Supreme Court, New York County, entered on or about May 9, 2008, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Roni LLC, et al.,
Plaintiffs-Respondents,

-against-

M-3276
Index No. 601224/07

Rachel L. Arfa, et al.,
Defendants-Appellants,

Gadi Zamir, et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 24, 2008,

And defendants-appellants having moved for a stay of discovery, pending hearing and determination 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 denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Kenneth Chan,
Plaintiff-Appellant,

-against-

M-3422
Index No. 113278/07

327 West 36th St., LLC, a/k/a
327 W 36th Street, LLC,
Defendant-Respondent.

-----X

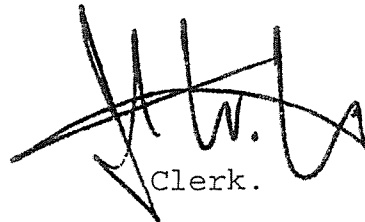
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 16, 2008,

And plaintiff-appellant having moved for a stay of all depositions and of discovery, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Lazar Gazivoda,

Petitioner-Landlord-Respondent,

-against-

M-2958
Index No. 570068/03

Heath Sherman,

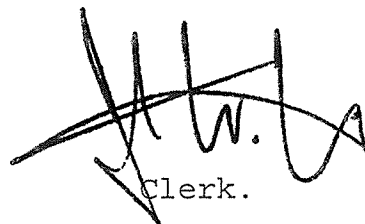
Respondent-Tenant-Appellant.
-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about February 22, 2008, for a stay of eviction, pending hearing and determination of the aforesaid motion, and for other 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. The stay of eviction afforded respondent-tenant-appellant by order of a Justice of this Court dated June 11, 2008 is herewith 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 August 5, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
In the Matter of the Application of
Ubaldo Romero,
Petitioner,

For a Judgment pursuant to Article 78 of the Civil Practice Law and Rules, M-3049
Ind. No. 9241/99

-against-

Karen Friedman-Agnifilo, etc., et al.,
Respondents.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 12, 2002,

And orders of this Court having been entered on October 17, 2001 (Appeal No. 4842) denying petitioner's application for relief pursuant to Article 78 of the CPLR (M-4069), and transferring the matter to the Ex Parte Office of the Supreme Court at 60 Centre Street, New York, New York, for issuance of a writ of habeas corpus (M-5107),

And petitioner having moved this Court to correct the aforesaid orders (M-4069 & M-5107) to reflect that the proper party applicant on the aforesaid proceedings was in fact Ubaldo Romero, and for habeas corpus relief nunc pro tunc vacating the judgment indictment rendered on or about March 12, 2002, on the underlying,

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 the extent of correcting the aforesaid orders of this Court (M-4069 and M-5107) to reflect that the application is related only to Ubaldo Romero, and the motion is otherwise denied.

ENTER:

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

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 5, 2008.

PRESENT - Hon: Peter Tom, Justice Presiding,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Citicorp Leasing, Inc.,
Plaintiff-Respondent,

-against-

M-3495
Index No. 603254/04

U.S. Auto Leasing, Inc., et al.,
Defendants,

Bahig F. Bishay,
Defendant-Appellant.

-----X

An appeal having been taken from judgment of the Supreme Court, New York County, entered on or about September 10, 2007 (mot. seq. no. 010),

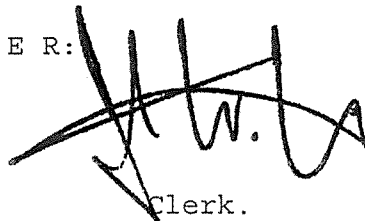
And plaintiff-respondent having moved to strike defendant-appellant's notice of issue, brief and appendix; and for related relief,

And appellant, having purportedly cross-moved to, inter alia, disqualify Arnold S. Schickler, Esq. from continuing to represent plaintiff,

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 deeming the transcripts to be amended as proposed by plaintiff-respondent and enlarging plaintiff-respondent's time in which to file its brief and appendix to on or before October 1, 2008 for the November 2008 Term. The relief sought by defendant-appellant 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 August 5, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez,
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
Slattery Skanska, Inc., et al.,
Plaintiffs-Respondents-Appellants,

Bombardier Transit Corporation,
Plaintiff-Respondent,

M-3405
M-3359
M-3459

-against-

Index No. 117297/04

American Home Assurance Company,
Defendant-Appellant-Respondent,

Aon Risk Services Companies, Inc.,
et al.,
Defendants-Respondents-Appellants.

-----X

An appeal and cross appeals having been taken from the order of the Supreme Court, New York County, entered on or about January 3, 2008, and said appeals having been perfected for the September 2008 Term,

And plaintiff-respondent, Bombardier Transit Corporation, having moved for an order striking the joint record on appeal submitted by American Home Assurance Company (M-3405),

And plaintiffs-respondents-appellants, Slattery Skanska, Inc., et al., having cross-moved for an order striking the joint record on appeal submitted by American Home Assurance Company (M-3359),

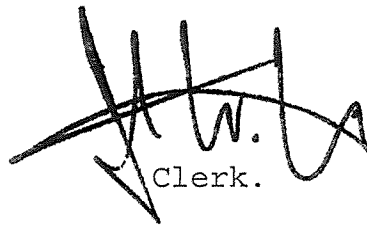
August 5, 2008

And defendant-appellant-respondent, American Home Assurance Company, having cross-moved for leave to file a supplemental record on appeal (M-3459),

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 motion and cross motion to strike the joint record on appeal (M-3405 & M-3359) are denied. The cross motion to file a supplemental record (M-3459) is granted to the extent of permitting American Home Assurance Company to serve and file 10 copies of a supplemental record on appeal containing Bombardier Transit Corporation's memorandum of law, dated March 5, 2007 and American Home Assurance's memorandum of law, dated March 5, 2007, on or before September 2, 2008 for the November 2008 Term, to which Term the appeal and cross appeals are 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 August 5, 2008.

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

-----X
Howard Fishkin, et al.,

Plaintiffs-Appellants,

-against-

M-2388
Index No. 600989/02

Bert Taras, et al.,

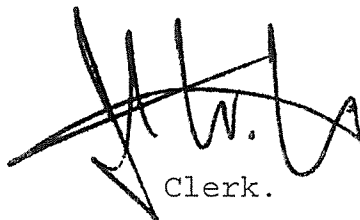
Defendants-Respondents.
-----X

Plaintiffs-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 April 10, 2008 (Appeal No. 3364),

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

It is ordered that the motion, to the extent it seeks reargument, is granted and, upon reargument, the decision and order of this Court entered on April 10, 2008 (Appeal No. 3364) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 3364, decided simultaneously herewith.) The motion, to the extent that it seeks leave to appeal to the Court of Appeals, is denied as academic.

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 August 5, 2008.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
Milton L. Williams
John T. Buckley
James M. Catterson, Justices.

-----X
Zion Tsabbar, D.D.S.,
Plaintiff-Appellant,

-against-

M-2862
Index No. 404045/04

17 East 89th Street Tenants, Inc.,
et al.,
Defendants-Respondents.

-----X

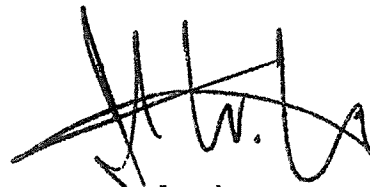
An order of this Court having been entered on May 22, 2008 (M-1520), dismissing the appeal taken from the order of the Supreme Court, New York County, (Joan A. Madden, J.), entered on or about January 28, 2008, and remanding the matter to said Supreme Court for a determination of the appropriate sanctions and attorneys' fees to be imposed upon plaintiff,

And plaintiff having moved for reargument of the aforesaid order of this Court entered on May 22, 2008 (M-1520),

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. Sua sponte, the matter is remanded to the Supreme Court, New York County, for a determination of the appropriate sanctions and attorneys' fees to be imposed upon plaintiff, necessitated by the defense of the instant motion, to the extent the relief afforded defendants by the orders of this Court entered on May 22, 2008 (M-1520) and June 26, 2008 (M-2598 & M-2816) is not duplicated.

ENTER:


Clerk.

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT
BEFORE: Hon. Luis A. Gonzalez,

Justice.

-----X
The People of the State of New York, : M-1930
Respondent, :
- against - : CERTIFICATE
Christopher Simon, : DENYING LEAVE
Defendant. : Indictment No.
2504/06
-----X

I, Luis A. Gonzalez, 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 Section 460.15 of the Criminal Procedure Law, 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, (Micki A. Scherer, J.), entered on or about March 19, 2008, is hereby denied.

Dated: New York, New York

July 21, 2008


Justice

ENTERED AUG 5 2008

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT
BEFORE: Hon. Luis A. Gonzalez,

Justice.

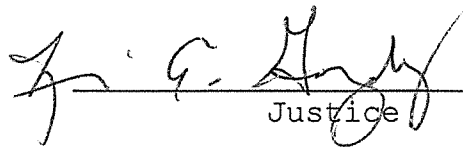
-----X
The People of the State of New York, : M-1952
Respondent, :
- against - : CERTIFICATE
Terry Cicio, a/k/a Michael Cicio, : DENYING LEAVE
Defendant. : Indictment No.
4862/01
-----X

I, Luis A. Gonzalez, 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 Section 460.15 of the Criminal Procedure Law, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, (Lawrence H. Bernstein, J.), entered on or about January 16, 2008, is hereby denied.

Dated: New York, New York

July 21, 2008

ENTERED AUG 5 2008


Justice

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

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

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

Respondent,

-against-

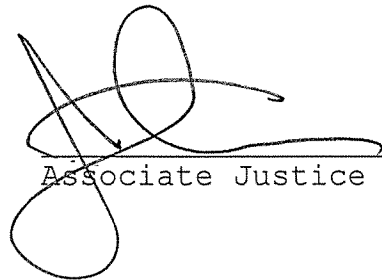
Wilson Rodriguez

Defendant,
-----X

M-1762
Ind. No.2920/92

CERTIFICATE
DENYING LEAVE

I, James M. Catterson, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above named defendant for a certificate pursuant to Criminal Procedural Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about March 6, 2007, is hereby denied. Defendant's application for extension of time is denied as academic.



Associate Justice

Dated: July 23, 2008
New York, New York

ENTERED: **AUG 5 2008**

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

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

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

M-2952
Ind. No. 4406/01

-against-

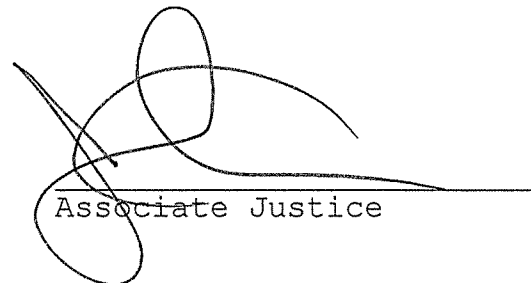
CERTIFICATE
DENYING LEAVE

Shawn Pettaway

Defendant.

-----X

I, James M. Catterson, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about May 5, 2008, is hereby denied.


Associate Justice

Dated: July 21, 2008
New York, New York

ENTERED: AUG 5 2008

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

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

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

M-3089
Ind. No. 7251/02

-against-

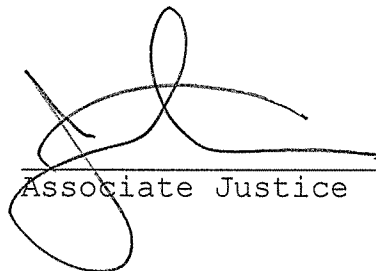
CERTIFICATE
DENYING LEAVE

Oswaldo Cabrera

Defendant

-----X

I, James M. Catterson, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about April 22, 2008, is hereby denied.



Associate Justice

Dated: July 21, 2008
New York, New York

ENTERED: AUG 5 2008