

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 December 30, 2008.

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

-----X
Structure Tone, Inc.,
Plaintiff-Respondent,

-against-

M-5774X
Index No. 112012/06

Atlas-Acon Electric Services
Corp. and Fireman's Fund Insurance
Company,
Defendants,

Utica National Assurance Company,
Defendant-Appellant.

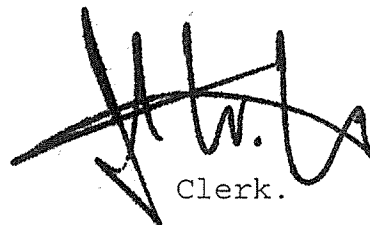
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 25, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 4, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 30, 2008.

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

-----X
Lurgi, Inc, formerly known as
Lurgi PSI, Inc., a Tennessee
corporation,
Plaintiff-Appellant,

-against-

M-5775X
Index No. 602736/08

Calyon, etc., et al.,
Defendants-Respondents.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 4, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 December 30, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Milton L. Williams
Karla Moskowitz
Rolando T. Acosta, Justices.

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

-against-

M-5206
Ind. No. 25/96

Armando Villanueva, also known as
Armondo Villanueva,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 28, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

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

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

-against-

M-5526
Ind. No. 5929/05

Gabriel Cabrera,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 12, 2007, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

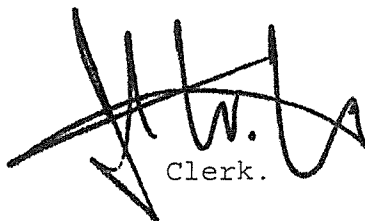
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
John T. Buckley
Rolando T. Acosta, Justices.

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

-against-

M-5539
Ind. No. 991/07

Moises Fele, also known as
Moises Fele-Santos,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 7, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, setting forth his indigency pursuant to CPLR 1101(a), including the terms of defendant's retainer agreement with trial counsel, Jon M. Silveri, 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.)

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 December 30, 2008.

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

-----X
Tray-Wrap, Inc.,
Plaintiff-Appellant,

-against-

M-5506
Index No. 26782/03

Pacific Tomato Growers, Ltd.,
Florida Fruit and Vegetable
Association,
Defendants-Respondents.

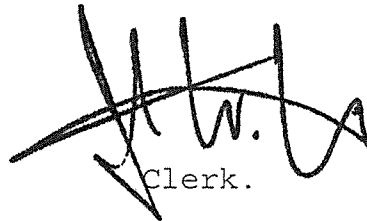
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeals taken from the orders of the Supreme Court, Bronx County, entered on or about February 11, 2008 and March 7, 2008, respectively,

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 appeals, which are sua sponte consolidated, to on or before February 2, 2009 for the April 2009 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 December 30, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

-against-

M-5129 (DC #31)
M-4898
Ind. No. 690/05

Rudy Fleming,
Defendant-Appellant.

-----x

An appeal having been taken by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 13, 2006,

And said appeal having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,


And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice,

And counsel for appellant having submitted an affirmation indicating that a motion pursuant to CPL 440.10 is presently sub judice, and seeking an enlargement of time in which to perfect the appeal (M-4898),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, and upon the Court's own motion (M-5129 [DC #31]),

It is ordered that appellant's time to perfect the appeal is enlarged to the June 2009 Term and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzaelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

-against-

M-5090
DC #22
Ind. No. 6433/05

Paul Cortez,
Defendant-Appellant.

-----x

An appeal having been taken by defendant from the judgment of the Supreme Court, New York County, rendered on or about March 23, 2007,

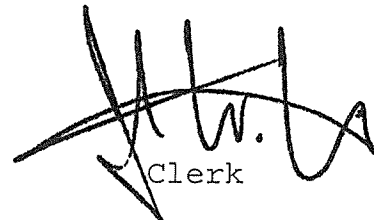
And said appeal having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation indicating that a motion pursuant to CPL 440.10 is presently sub judice, and seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that appellant's time to perfect the appeal is enlarged to the June 2009 Term and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

-against-

M-5125
DC #27
Ind. No. 5588/01

Darren Edwards,
Defendant-Appellant.

-----X

An appeal having been taken by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 15, 2007,

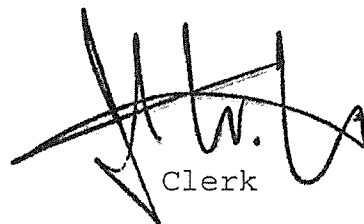
And said appeal having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation indicating that a motion pursuant to CPL 440.10 is presently sub judice, and seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that appellant's time to perfect the appeal is enlarged to the June 2009 Term and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

-against-

M-5131
DC #35
Ind. No. 2215/04

Alexis Gruyair,
Defendant-Appellant.

-----x

An appeal having been taken by defendant from the judgment of the Supreme Court, New York County, rendered on or about January 28, 2005,


And said appeal having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation indicating that a motion pursuant to CPL 440.10 is presently sub judice, and seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that appellant's time to perfect the appeal is enlarged to the June 2009 Term and counsel is directed to so perfect.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

-against-

M-5141
DC #45
Ind. No. 2579/04

Louis Koonce,
Defendant-Appellant.

-----x
An appeal having been taken by defendant from the judgment of the Supreme Court, New York County, rendered on or about June 20, 2005,

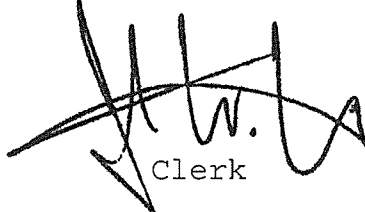
And said appeal having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation indicating that a motion pursuant to CPL 440.10 is presently sub judice, and seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that appellant's time to perfect the appeal is enlarged to the June 2009 Term and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzaelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

Respondent,

M-5142

DC #46

-against-

Ind. No. 9665/94

Freddy Lasso,

Defendant-Appellant.
-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about December 8, 2006,

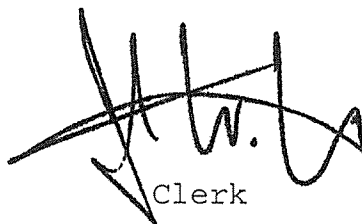
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the June 2009 Term of this Court and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

-against-

M-5147
DC #51
Ind. No. 1754/04

Paul Marino,
Defendant-Appellant.

-----x
An appeal having been taken by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about June 7, 2005,

And said appeal having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation indicating that a motion pursuant to CPL 440.10 is presently sub judice, and seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that appellant's time to perfect the appeal is enlarged to the June 2009 Term and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

-against-

George Martinez,
Defendant-Appellant.

M-5149
DC #53
Ind. No. 1649/06

-----x
An appeal having been taken by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about May 3, 2007,


And said appeal having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation indicating that a motion pursuant to CPL 440.10 is presently sub judice, and seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that appellant's time to perfect the appeal is enlarged to the June 2009 Term and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

-against-

George Medlin,
Defendant-Appellant.

M-5150
DC #54
Ind. No. 812/04

-----x
An appeal having been taken by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about February 4, 2005,

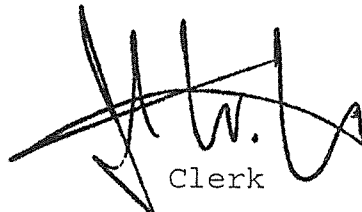
And said appeal having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation indicating that a motion pursuant to CPL 440.10 is presently being filed, and seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that appellant's time to perfect the appeal is enlarged to the June 2009 Term and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

-against-

M-5154
DC #58
Ind. No. 888/06

George Murphy,
Defendant-Appellant.

-----X

An appeal having been taken by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about October 16, 2006,

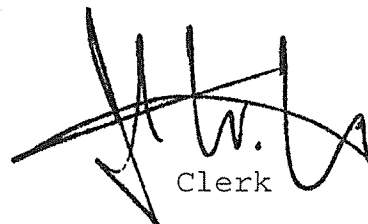
And said appeal having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation indicating that a motion pursuant to CPL 440.10 is presently being filed, and seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that appellant's time to perfect the appeal is enlarged to the June 2009 Term and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

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

-against- M-5157
DC #61
Ind. No. 6702/99

George Oliveras,
Defendant-Appellant.
-----X

An appeal having been taken by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about February 13, 2002,

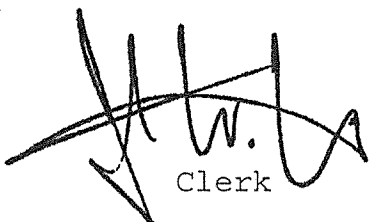
And said appeal having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation indicating that a motion pursuant to CPL 440.10 is presently sub judice, and seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion,

It is ordered that appellant's time to perfect the appeal is enlarged to the June 2009 Term and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

M-5162

DC #66

-against-

Ind. No. 6497/05

Dennis Paige,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about September 20, 2006,

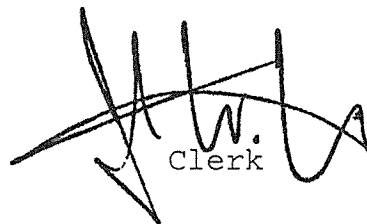
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the June 2009 Term of this Court and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

M-5168

DC #72

-against-

Ind. No. 4318/03

Jerome Reyes,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, Bronx County, rendered on or about December 13, 2006,

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

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal pending receipt of a copy of the record on appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the June 2009 Term of this Court and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
James M. McGuire
Leland G. DeGrasse, Justices.

-----X

The People of the State of New York,

Respondent,

M-5171

DC #75

-against-

Ind. No. 5496/06

Felix Shepard, also known as
Felix Sheppard,

Defendant-Appellant.

-----X

An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about May 23, 2007,

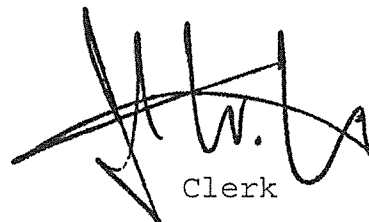
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on October 30, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

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

Ordered that appellant's time in which to perfect the appeal is enlarged to the June 2009 Term of this Court and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
R&R Capital LLC and FTP Capital LLC,
Plaintiffs-Appellants,

-against-

M-5786
Index No. 604080/05

Linda Merritt, also known as Lyn
Merritt,
Defendant-Respondent.

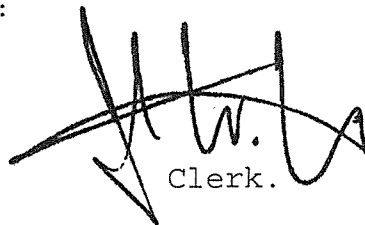
-----X
(And another action)

Plaintiffs-appellants having moved for a stay of the order of the Supreme Court, New York County, entered on or about December 2, 2008, pending hearing and determination of the perfected 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 to the extent of staying enforcement of so much of the aforesaid order directing plaintiff R&R Capital LLC to withdraw certain claims in actions pending in Delaware and Pennsylvania.

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 December 30, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Louise Robinson,
Plaintiff-Respondent,

-against-

M-5717
Index No. 25347/04

Cambridge Realty Co., LLC and
Eva Rosenfeld,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 11, 2008,

And defendants-appellants having moved for a stay of enforcement 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.

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 December 30, 2008.

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

-----X

The People of the State of New York,

-against-

M-5424
Ind. No. 4942/92

James Walker,

Defendant.

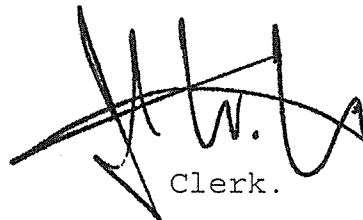
-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 6, 1998, and for related relief, and for leave to prosecute said appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is denied. (See CPL § 460.30 subd. 1).

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 December 30, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Luis A. Gonzalez
John T. Buckley
James M. Catterson, Justices.

-----X
In re The City of New York, et al.,
Petitioners-Respondents,

-against-

M-5420
Index No. 400007/07

The Patrolmen's Benevolent Association
of the City of New York, Inc., et al.,
Respondents,

The Sergeants' Benevolent Association
of the City of New York, Inc., et al.,
Respondents-Appellants.

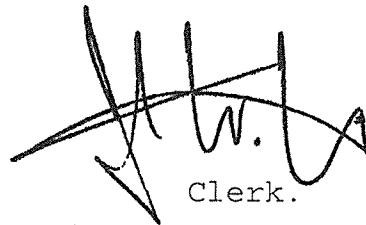
-----X

Petitioners-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 16, 2008 (Appeal No. 3992),

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

It is ordered that the motion is denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Daeun Corp.,
Plaintiff-Appellant,

-against-

M-5613
Index No. 602087/08

A & L 444 LLC, GMD 444 LLC and
DEM 444 LLC,
Defendants-Respondents.

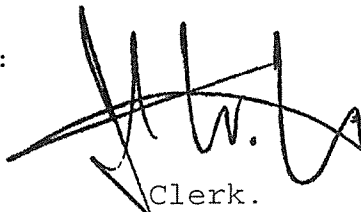
-----X

Plaintiff-appellant having moved in the nature of a preliminary appellate injunction pursuant to CPLR 5518 for an order, inter alia, tolling the running of any period of a Notice to Cure Default, and barring further Civil Court eviction proceedings, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 12, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enjoining defendants from engaging in any further proceedings to evict plaintiff from the premises located at 444 Park Avenue South, Suite 102, New York, New York 10016 on condition that appellant continue to pay use and occupancy as directed in the order of a Justice of this Court, dated November 24, 2008, and on further condition that appellant perfect the appeal on or before February 23, 2009 for the May 2009 Term. Said relief is without prejudice to any arguments on appeal concerning whether or not appellant has standing to maintain this litigation.

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 December 30, 2008.

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

-----X
IDT Corp., et al.,
Plaintiffs-Respondents,

-against-

M-4530
Index No. 601321/04

Tyco Group, S.A.R.L., et al.,
Defendants-Appellants.
-----X

Plaintiffs-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 19, 2008 (Appeal No. 3055),

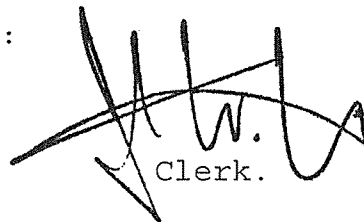
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion, to the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
Nikiyah S. Blackman,
Plaintiff-Respondent,

-against-

M-5598
Index No. 101743/02

The Hit Factory, et al.,
Defendants-Respondents,

Chubb Insurance Company,
Interpleader Defendant-Appellant.

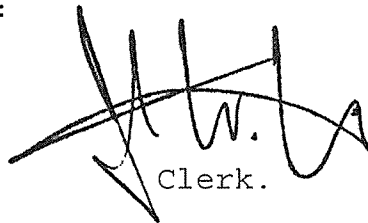
-----X

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about December 19, 2007 (mot. seq. no. 007),

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

Ordered that the motion is granted and the appeal is dismissed.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

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

-----X
Walter Adams,
Plaintiff-Respondent,

-against-

M-3893
Index No. 116382/00

Genie Industries, Inc.,
Defendant-Appellant,

Product Liability Advisory Council,
Inc.,
Amicus Curiae.

-----X

Defendant Genie Industries, Inc., having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 8, 2008 (Appeal No. 3303),

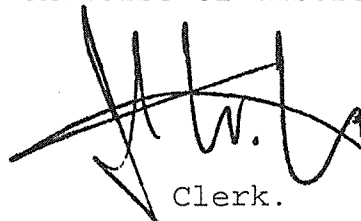
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of Supreme Court, as affirmed by this Court, properly made?"

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

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

-----X
Walter Adams,
Plaintiff-Respondent,

-against-

M-4227
Index No. 116382/00

Genie Industries, Inc.,
Defendant-Appellant,

Product Liability Advisory Council,
Inc.,
Amicus Curiae.

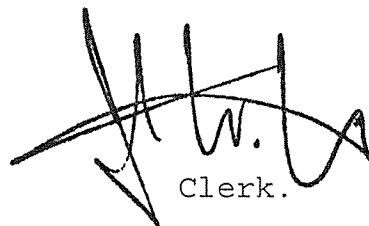
-----X

Plaintiff-respondent having cross-moved for certain printing costs relative to the decision and order of this Court entered on July 8, 2008 (Appeal No. 3303),

Now, upon reading and filing the stipulation agreed to between the parties dated September 30, 2008, with respect to the cross motion, and due deliberation having been had thereon,

It is ordered that the cross 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 December 30, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
Debra M. Carpluk, as Administratrix of
the Estate of Howard J. Carpluk, Jr.,
deceased, and Debra M. Carpluk,
Individually and Michael F. Reilly
and Monica Reilly, as Co-Administrators
of the Estate of Michael C. Reilly,
deceased,
Plaintiffs-Respondents,

-against-

M-5348
Index No. 14573/07

Jose David Vargas, P.E.,
Defendant-Appellant,

Davir Realty, Ltd., et al.,
Defendants.

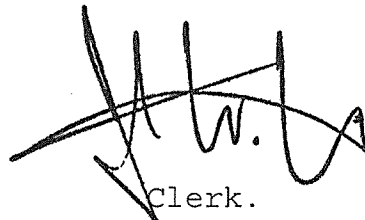
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 4, 2008,

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the April 2009 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 December 30, 2008.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Luis A. Gonzalez
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Abdul Basir Khan,

Petitioner-Respondent,

-against-

M-5665

Index No. 20530/05

President Fakrul Islam, et al.,

Respondents-Appellants.
-----X

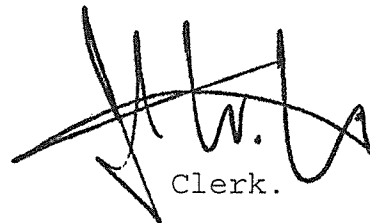
Appeals having been taken from the orders of the Supreme Court, Bronx County, entered on or about January 15, 2008 and February 21, 2008, respectively,

And respondents-appellants having moved for an enlargement of time in which to perfect 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, sua sponte, the aforesaid appeals are consolidated and the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals on or before February 2, 2009 for the April 2009 Term. Respondents-appellants are permitted to prosecute said appeals upon 10 copies of one record and upon one set of appellant's points covering the appeals.

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 December 30, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
Eugene Nardelli
John T. Buckley, Justices.

-----X
In the Matter of

Enrique V. and
Stephanie V.,

Dependent Children under 18 Years
of Age Pursuant to §384-b
of the Social Services Law,

Administration for Children's Services, M-4864
Petitioner-Respondent, Docket Nos. NN7126/08
NN7127/08

Vanessa F.,
Respondent,

Jose U. V.,
Respondent-Appellant.

Vicki Light, Esq., Legal Aid Society
Law Guardian for the Children.
-----X

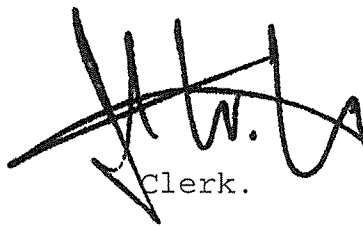
Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about August 4, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. 914-949-8214, 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.

E N T E R:



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 December 30, 2008.

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

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

-against-

M-5524
Ind. No. 2625/06

Umar Delgado,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 11, 2007, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

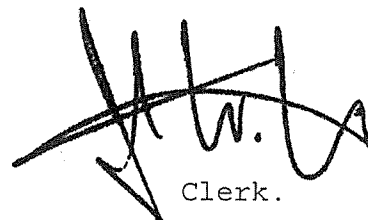
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 December 30, 2008.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse, Justices.

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

-against-

M-5553
Ind. Nos. 7897/97
384/02

Charada Turner,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Laura Ward, J.) entered on or about October 14, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

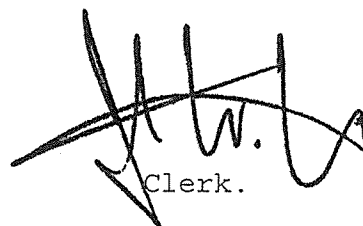
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard 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, and it is further

Ordered that 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 Ward as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, 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 December 30, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
David B. Saxe
Eugene Nardelli
John T. Buckley, Justices.

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

-against-

M-5566
Ind. No. 297/04

Edward Bowman,
Defendant-Appellant.

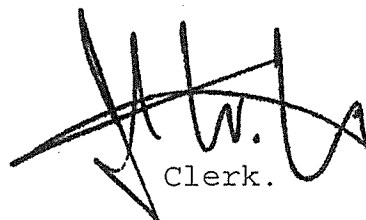
-----X

Defendant-appellant having moved for an extension of time in which to file a pro se supplemental brief in connection with the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 3, 2006, and for related relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before February 23, 2009 for the May 2009 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
James M. Catterson
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

-against-

M-3033
Ind. No. 8082/90

Kenneth Bernard,
Defendant-Appellant.

-----X

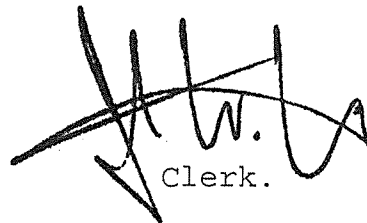
A decision and order of this Court having been entered on February 1, 1996 (Appeal No. 56848), unanimously affirming a judgment of the Supreme Court, New York County (Leslie Crocker Snyder, J.), rendered on March 12, 1992,

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

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

It is ordered that said application is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Helen E. Freedman, Justices.

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

-against-

M-3901
Ind. No. 11101/92

Timothy Dixon,
Defendant-Appellant.

-----X

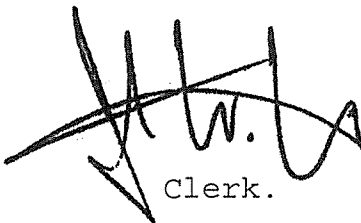
A decision and order of this Court having been entered on June 4, 1996 (Appeal No. 58142), unanimously affirming a judgment of the Supreme Court, New York County (Juanita Bing Newton, J. at hearing; Edward McLaughlin, J. at trial), rendered on June 4, 1993,

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

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

It is ordered that said application is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzaelli
Milton L. Williams
Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-4576
Ind. No. 2643/92

Johnson Foy,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on October 3, 1995 (Appeal Nos. 55685-55685A), unanimously affirming a judgment of the Supreme Court, New York County, (Bookson, J.), rendered on December 15, 1992,

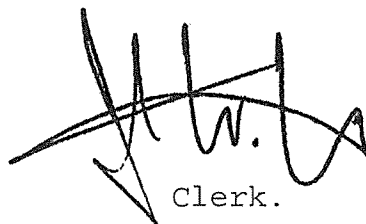
And orders of this Court having been entered on November 14, 1996 (M-5286), September 9, 1999 (M-3178) and May 21, 2001 (M-6159) denying defendant's motions, in the nature of writs of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

And defendant having again moved for the aforesaid 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.

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 December 30, 2008.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Luis A. Gonzalez
James M. McGuire
Rolando T. Acosta, Justices.

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

Wonder Works Construction Corp.,
Petitioner-Appellant,

M-5086

For an Order Pursuant to Article 75
of the CPLR Staying the Arbitration
Demanded by Respondent,

Index No. 114834/06

-against-

R.C. Dolner, Inc., et al.,
Respondents-Respondents.

-----X

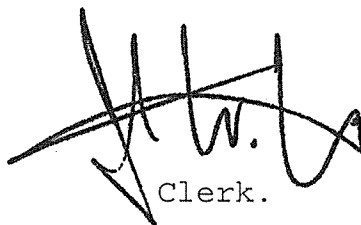
An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 12, 2008 (mot. seq. no. 001),

And petitioner-appellant having moved to stay arbitration, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition that the appeal is perfected for the May 2009 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.

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 December 30, 2008.

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

-----x
Cesare Gaspari, DPM, et al.,
Plaintiffs-Respondents,

-against-

M-5860
Index No. 114960/05

Amnon Eric Sadeh, M.D., et al.,
Defendants,

Marlene Finkelstein, P.A.,
Defendant-Appellant.

-----x

Consolidated appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about September 24, 2007 (mot. seq. no. 004) and June 2, 2008 (mot. seq. no. 009), respectively,

And defendant-appellant having moved for a stay of trial pending hearing and determination of the consolidated 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 on condition the consolidated appeals are perfected for the March 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided respondent(s) serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present - Hon. Peter Tom, Justice Presiding,
David Friedman
John T. Buckley
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Ace Fire Underwriter's Insurance
Company, etc., et al.,
Plaintiffs-Appellants,

-against-

M-5444
Index No. 600133/06

ITT Industries, Inc., etc., et al.,
Defendants,

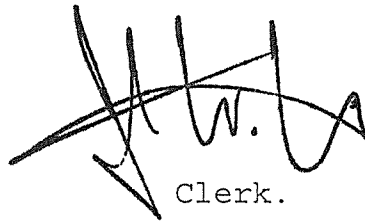
Liberty Mutual Insurance Company,
Defendant-Respondent.
-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 7, 2008 (Appeal No. 4189),

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

Ordered that the motion is denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
Milton L. Williams, Justices.

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

-against-

M-4131
Ind. No. 2174/88

Yusuf Harris,

Defendant-Appellant.
-----X

An order of this Court having been entered on June 8, 1993 (M-3044 and M-2730 [DC No. 43]), deeming, pursuant to stipulation of the parties dated May 24, 1993, defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about February 28, 1989, as withdrawn,

And an order of this Court having been entered on July 13, 2006 (M-1154), denying defendant's application in the nature of a writ of error coram nobis,

And defendant having moved for reargument of the aforesaid order (M-1154),

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 December 30, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
Milton L. Williams
Karla Moskowitz
Helen E. Freedman, Justices.

-----X
Henderson Greaves,
Plaintiff-Appellant-Respondent,

-against-

M-5577
Index No. 107729/06

Obayashi Corporation, et al.,
Defendants-Respondents-Appellants,

EIC Associates, Inc.,
Defendant.

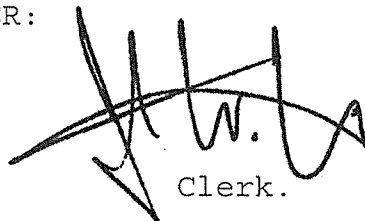
(And a Third-Party Action)
-----X

Defendants-respondents-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 October 21, 2008 (Appeal No. 4331),

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 December 30, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
Milton L. Williams
Helen E. Freedman, Justices.

-----X
Dr. Alex Greenberg, DDS, PC, et al.,
Plaintiffs-Appellants,

-against-

M-5579
Index No. 600414/08

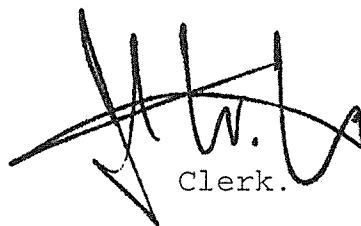
SNA Consultants, Inc., et al.,
Defendants-Respondents.
-----X

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 October 21, 2008 (Appeal No. 4345N),

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

It is ordered that the motion is denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
Nick & Duke, LLC.,
Petitioner-Landlord-Respondent,

-against-

M-4607
Index No. 570536/06

John Hollings, Inc.,
Respondent-Tenant-Appellant,

-and-

The Chelsea Inn Corp.,
Undertenant,

-and-

My Five Grandchildren Rest. Corp.,
etc., et al.,
Respondents-Undertenants-Appellants.

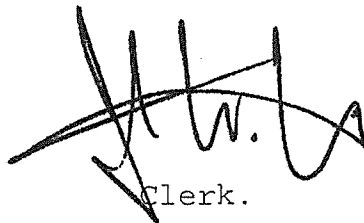
-----X

Respondents-tenant and undertenant-appellants 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 January 31, 2008,

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

It is ordered that the motion is denied.

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 December 30, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Tower Insurance Company of New York,
Plaintiff-Respondent,

-against-

M-5296
Index No. 115321/06

Felicindo Arias, et al.,
Defendants,

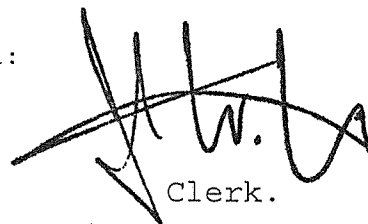
Carmen Rodriguez,
Defendant-Appellant.

-----X
Defendant-appellant having moved for an enlargement of time in which to perfect the appeals taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 20, 2007 (mot. seq. no. 001), and the order of said Court entered on or about November 20, 2007 (mot. seq. no. 002), respectively,

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

Ordered that the motion is denied and the appeals are dismissed.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
David Friedman
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Leonard Simmons,

Plaintiff-Respondent,

-against-

M-5940
Index No. 21270/03

New York City Transit Authority and
Manhattan and Bronx Surface Transit
Operating Authority,

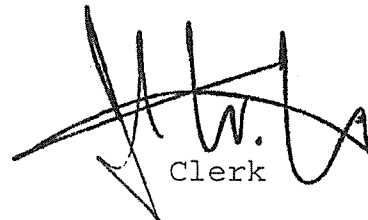
Defendants-Appellants.
-----X

Defendants-appellants 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 January 30, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the April 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 December 30, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
David Friedman
Eugene Nardelli, Justices.

-----X
Brian D. Bones,
Plaintiff-Respondent,

-against-

M-4960
Index No. 102396/07

Prudential Financial, Inc., et al.,
Defendants-Appellants.

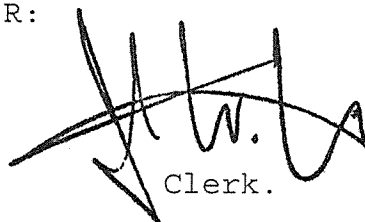
-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 16, 2008 (Appeal No. 3034),

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

Ordered that the motion is denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

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

-----X
James D. Lee,
Plaintiff-Appellant,

-against-

Astoria Generating Company, L.P.,
et al.,
Defendants-Respondents.

M-4434
M-4437
Index Nos. 400173/04
590721/04

- - - - -
Astoria Generating Company, L.P.,
et al.,
Third-Party Plaintiffs-Respondents,

-against-

Elliott Turbomachinery Co., Inc.,
et al.,
Third-Party Defendants-Respondents.

-----X

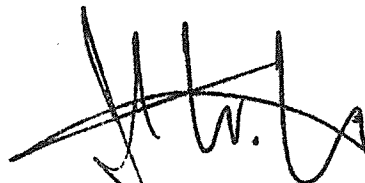
Third-party defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 12, 2008 (Appeal No. 2733) [M-4434],

And third-party defendants-respondents having moved for same relief [M-4437],

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

It is ordered that the motions are denied.

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 December 30, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Eugene Nardelli
Milton L. Williams
Helen E. Freedman, Justices.

-----X
In the Matter of a Custody/Visitation
Proceeding pursuant to Article 6 of
the Family Court Act.

Nelissa O., Petitioner-Appellant, M-4344
Docket Nos. V7611-05/06A
V7612-05/06A

-against-

Danny C.,
Respondent-Respondent.

-----X

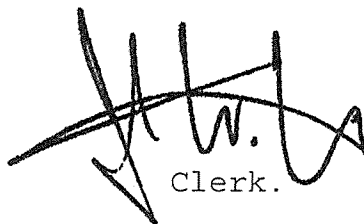
Petitioner-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about June 27, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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, Michael S. Bromberg, Esq., 44 Hampton Street, Sag Harbor, NY 11963, Tel. No. 631-725-0641, as counsel, for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of

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

ENTER:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Eugene Nardelli
Milton L. Williams
Helen E. Freedman, Justices.

-----X
In the Matter of a Proceeding for
Support Under Article Five B of the
Family Court Act.

- - - - - M-4346
Lisa Joy J., Docket No. F12637/07
Petitioner-Respondent,
-against-

Scott Hunter S.,
Respondent-Appellant.

-----X

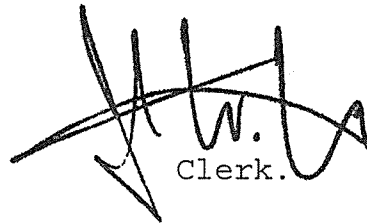
Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about June 25, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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, Michael S. Bromberg, Esq., 44 Hampton Street, Sag Harbor, NY 11963, Tel. No. 631-725-0641, 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, if any for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
David Friedman
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Hector Lebron,
Plaintiff-Respondent,

-against-

M-5404
Index No. 7796/06

NAPA Realty Corp.,
Defendant-Appellant.
-----X

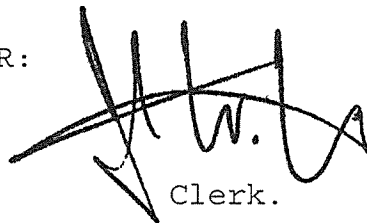
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 15, 2008,

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.

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 December 30, 2008.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley, Justices.

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

-against-

M-4746
Ind. No. 3221/00

Nader Attia, also known as
Nader Anis Zaky Attia, also known as
Michael's Pharmacy Inc.,
Defendant.

-----X

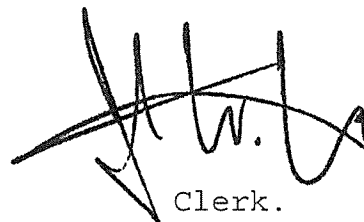
An order of this Court entered July 24, 2003 (M-2303/D.C. #32) dismissing the appeal taken from judgment of the Supreme Court, New York County, rendered on or about July 26, 2000,

And defendant having moved for an order reinstating said appeal, or in the alternative, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that 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 December 30, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Judd Rubin,
Plaintiff-Appellant,

-against-

SMS Taxi Corp., et al.,
Respondents-Respondents.

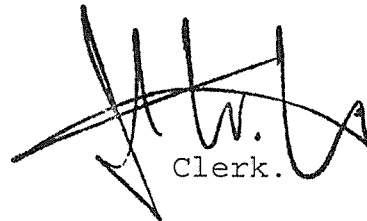
M-5400
Index No. 112489/05

-----X
Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about February 11, 2008 (mot. seq. no. 001),

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the April 2009 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 December 30, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
In the Matter of Community Related
Services, Inc.,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5411
Index No. 102971/07

Antonia C. Novello, Commissioner,
New York State Department of Health,
and New York State Department of
Health,
Respondents-Respondents.

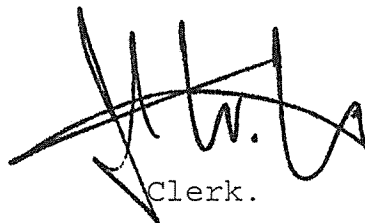
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about October 2, 2007 (mot. seq. no. 001),

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the April 2009 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 December 30, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
In the Matter of a Proceeding for
Custody and/or Visitation Under
Article 6 of the Family Court Act.

Gregory L.B., M-5475
Petitioner-Respondent, Docket No. V10659/02

-against-

Magdalena G.,
Respondent-Appellant.
-----X

An appeal having been taken by respondent mother from the order of the Family Court, New York County, entered on or about March 4, 2008,

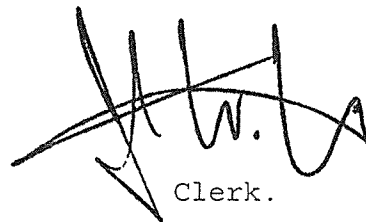
And an order of this Court having been entered on July 22, 2008 [M-1425], (Corrected Order July 30, 2008), granting respondent-appellant mother poor person relief and the assignment of counsel,

And respondent-appellant mother having moved for an order compelling the Clerk of the Family Court, New York County, to have transcribed minutes of the proceedings held on September 22, 2006, October 3, 2006, November 9, 2007 and November 27, 2007, 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 enlarging the time in which to perfect the appeal to the May 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 December 30, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Saul Rudes,
Plaintiff-Respondent,

-against-

M-5512
Index No. 114298/04

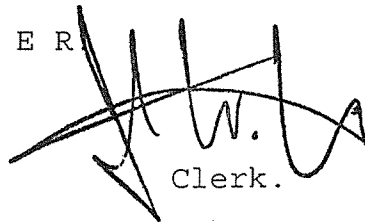
Kenneth Heller,
Defendant-Appellant.
-----X

Defendant-appellant having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about February 13, 2008, February 25, 2008, February 29, 2008 (mot. seq. no. 007), April 16, 2008 (mot. seq. no. 020) and from the judgment of said Court entered on or about June 3, 2008, respectively,

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

Ordered that the motion is denied and the appeals are dismissed, upon the ground that the appeal from the judgment entered June 3, 2008, subsuming the appeals from the interlocutory orders, has been dismissed by an order of this Court entered December 2, 2008 (M-3628 and M-4954), a copy of which is annexed hereto.

E N T E R



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 2, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
Eugene Nardelli
John T. Buckley, Justices.

-----X
Saul Rudes,

Plaintiff-Respondent,

-against-

Kenneth Heller,

Defendant-Appellant.
-----X

M-3628
M-4954
Index No. 114298/04

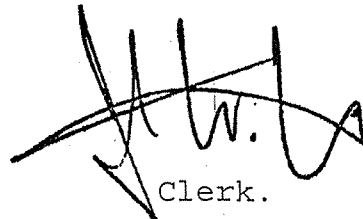
Plaintiff-respondent having moved to dismiss the appeal taken from the judgment of the Supreme Court, New York County, entered on or about June 3, 2008 (M-3628),

And defendant-appellant having cross-moved for an order staying the aforesaid judgment, pending hearing and determination of said appeal (M-4954),

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

It is ordered that the motion is granted and the appeal is dismissed. The cross motion 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 December 30, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
Luis A. Gonzalez
John T. Buckley
Rolando T. Acosta, Justices.

-----X
Nama Holdings, LLC, a Nevada limited liability company, for itself and derivatively on behalf of Alliance Network, LLC, a Nevada limited liability company, Alliance Network Holdings, LLC, a Delaware limited liability company, and Network World Market Center, LLC, a Delaware limited liability company,
Plaintiff-Respondent,

M-5923
Index No. 601054/08

-against-

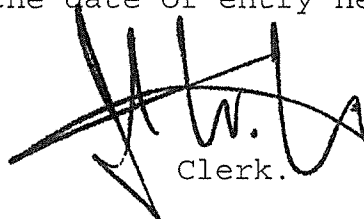
Greenberg Traurig LLP, a Delaware limited liability partnership and Robert J. Ivanhoe, an individual,
Defendants-Appellants.

-----X
Defendants-appellants having moved for a stay of all proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 20, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted on condition that the appeal is perfected for the April 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

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

-----X
In re Jennifer H. S.,
Petitioner-Appellant,

-against-

Damien P. C.,
Respondent-Respondent.

M-4777
Docket No. F14075/03

- - - - -
In re Damien P. C.,
Petitioner-Respondent,

-against-

Jennifer H. S.,
Respondent-Appellant.

Docket No. F15388/03

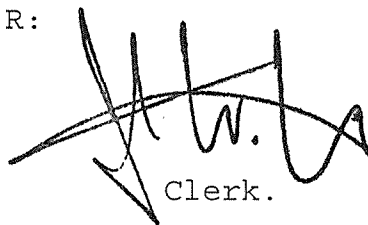
-----X

Appellant Jennifer H. S. having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 29, 2008 (Appeal No. 3500), 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.

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 December 30, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Milton W. Williams
John T. Buckley, Justices.

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

-against-

M-5115
Ind. No. 3701/01

Rodney Freeman,
Defendant-Appellant.

-----X

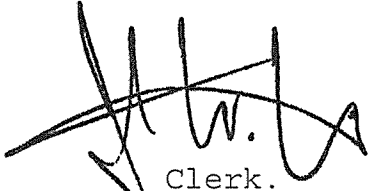
A decision and order of this Court having been entered on May 1, 2007 (Appeal No. 952), unanimously affirming a judgment of the Supreme Court, New York County (Arlene Silverman, J.), rendered on January 4, 2005,

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

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

It is ordered that said application is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

PRESENT - Hon: David Friedman, Justice Presiding,
James M. McGuire
Rolando T. Acosta
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

-against-

M-5358
M-5467
Ind. No. 3931/85

Alexander Dockery, also known as
John Harris,
Defendant-Appellant.

-----X

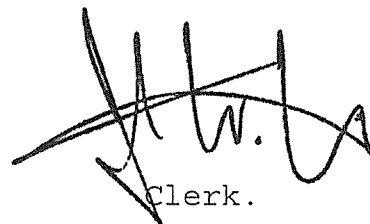
Defendant-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 28, 1986, and for related relief (M-5358)

And the People having cross-moved for dismissal of the aforesaid appeal (M-5467),

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

Ordered that the motion is denied, the cross motion is granted and the appeal is dismissed.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 30, 2008.

Present: Hon. David Friedman, Justice Presiding,
Milton L. Williams
James M. Catterson
Rolando T. Acosta, Justices.

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

-against-

M-5529
Case No. 38890C/05

Alfredo Perez,
Defendant-Appellant.

-----X

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

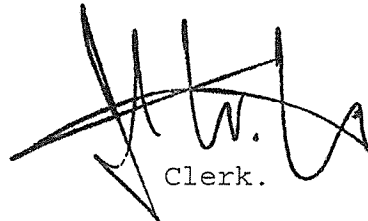
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 December 30, 2008.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Sandy LoFaso, et al.,
Plaintiffs-Appellants,

-against-

M-5590
Index No. 104621/00

The City of New York, et al.,
Defendants,

Metropolitan Life Insurance Company,
Inc., et al.,
Defendants-Respondents.

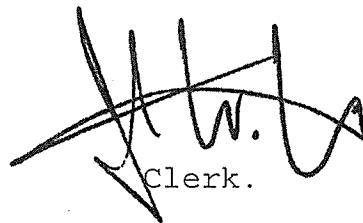
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about January 30, 2008 (mot. seq. nos. 004 and 005),

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 April 2009 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 December 30, 2008.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-5634
Index No. 602877/05

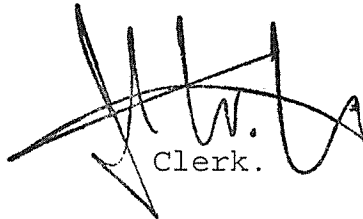
Henry Cheng, et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the consolidated appeals taken from the order of the Supreme Court, New York County, entered on or about July 27, 2006 and from the judgment of said Court, entered on or about September 19, 2006,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to the June 2009 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 December 30, 2008.

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

-----X

The People of the State of New York,
Appellant,

-against-

M-4359
Ind. No. 4290/05

Deon Cheatham,
Defendant-Respondent.

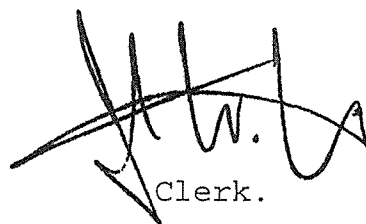
-----X

Defendant-respondent Deon Cheatham having moved for reargument of the decision and order of this Court entered on August 26, 2008 (Appeal No. 3694),

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 December 30, 2008.

PRESENT - Hon. Eugene Nardelli, Justice Presiding,
Milton L. Williams
John T. Buckley
John W. Sweeny, Jr., Justices.

-----X
In re Barry Felder, et al.,
Petitioners-Respondents,

-against-

M-3861
Index No. 112051/05

The City of New York,
Respondent-Appellant.

Sullivan Plaintiffs,
Amici Curiae.

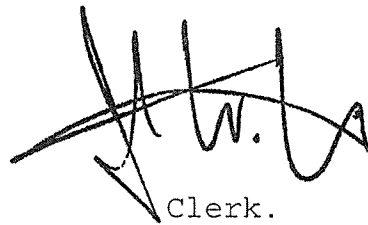
-----X

Petitioners-respondents having moved for, reargument, renewal and reconsideration of the decision and order of this Court entered on July 1, 2008 (Appeal No. 1152N), 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.

ENTER:



Clerk.

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

-----X

The People of the State of New York,
Respondent,

M-2984
Ind. No. 3674/06

-against-

CERTIFICATE
GRANTING LEAVE

Jose Acosta,
Defendant-Appellant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the Order of the Supreme Court, New York County, entered on or about May 14, 2008.¹

Dated: New York, New York
December 19, 2008

ENTERED DEC 30 2008 

DAVID FRIEDMAN
Justice of the Appellate Division

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

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

-----X

The People of the State of New York,

M-5421

-against-

Darryl Phelps,

Ind. No. 10513/97
ORDER DENYING LEAVE
UPON REARGUMENT

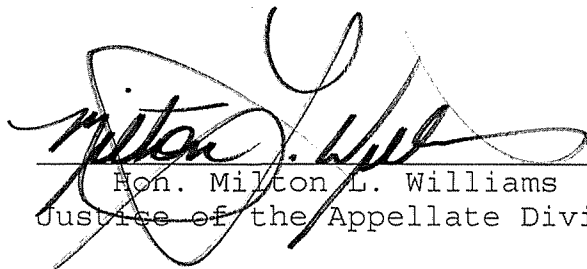
Defendant.

-----X

I, Milton L. Williams, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon a successive application made by the above-named defendant for reargument of the order of a Justice of this Court (M-4897), entered on October 26, 2006, which denied his motion for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there being no question of law or fact having been misapprehended or overlooked, permission to reargue the denial of leave to appeal from the order of the Supreme Court, New York County, entered on or about August 25, 2006 is hereby denied.

Dated: December 22, 2008
New York, New York

Entered: **DEC 30 2008**



Hon. Milton L. Williams
Justice of the Appellate Division

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

M - 5611
Ind. No. 4198/06

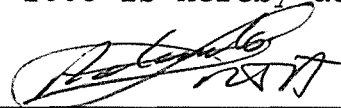
-against-

CERTIFICATE
DENYING LEAVE

Davidson Noel,

Defendant.
-----X

I, Rolando T. Acosta, 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, N.Y. County, entered on or about October 30, 2008 is hereby denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: December 18, 2008
New York, New York

ENTERED: DEC 30 2008