

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 June 24, 2008.

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

-----X
Rick Moore, et al.,
Plaintiffs-Appellants,

-against-

M-2889X
Index No. 106559/06

DL Restaurant Development, LLC,
doing business as Scalini Fedeli,
NYC,
Defendant-Respondent.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 12, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 5, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 24, 2008.

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

-----X
Gaby Gibson,
Plaintiff-Respondent,

-against-

M-2893X
Index No. 117057/06

Naomi Campbell,
Defendant-Appellant,

RZO, L.L.C., et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 20, 2007 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 24, 2008.

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

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

Respondent,

-against-

M-2916

Ind. No. 9917/98

George Keile, also known as Abdullah
Arafat,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of resentence of the Supreme Court, New York County, rendered on or about September 5, 2006,

Now, upon reading and filing the stipulation of the parties hereto, dated June 5, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

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

-----X
Global Asset Management, Inc.,
Plaintiff,

-against-

Ignacio F. Lewis,
Defendant.

M-2358
Index No. 107313/05

-----X

Defendant having moved for a stay of all proceedings pending hearing and determination of a purported appeal taken from the decision of the Supreme Court, New York County, rendered on or about May 6, 2008,

Now, upon reading and filing the papers with respect to the motion including the Stipulation of the parties dated May 16, 2008 and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

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

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

Ilene M., Crystal M.,
Hector M. and Ariel M.,

M-2422
DC #16
Docket Nos. NA8828-31/00

Children Under the Age of 18 Years
Alleged to be Abused and/or Neglected.

Administration for Children's Services,
Petitioner-Respondent,

Hector M.,
Respondent-Appellant.

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

-----X
An appeal having been taken by respondent-appellant from the orders of the Family Court, Bronx County, entered on or about February 7, 2002 and July 16, 2002, respectively,

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 May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation in support of the dismissal of the appeal,

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

Ordered that the aforesaid appeal is dismissed.

ENTER:


Clerk:

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

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

-----X
In the Matter of

Tyree L., M-2421
DC #14
A Person Alleged to be a Juvenile Docket Nos. D3262/05
Delinquent, D9600/05

Respondent-Appellant.
-----X

Appeals having been taken by respondent from orders of the Family Court, Bronx County, entered on or about April 13, 2005 and July 12, 2005, respectively,

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

And a calendar call having been held by the Clerk of the Court on May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

Now, upon the Court's own motion,

It is ordered that the aforesaid appeals are dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

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

-----X
Shu-Mei Tung, et al.,
Petitioners,

For a Judgment, etc.,

-against-

M-2433
DC #26
Ind. No. 109261/06

Helen Levy, Esq., as Administrative
Hearing Officer of the Department
of Housing Preservation and
Development,
Respondents.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 23, 2006 (mot. seq. no. 001),

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

And a calendar call having been held by the Clerk of the Court on May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response thereto,

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

Ordered that the aforesaid proceeding is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

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

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

-against-

M-2181A
Ind. No. 1293/07

Angel Santiago,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 13, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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. (The order of this Court entered on May 20, 2008 [M-2181] is hereby recalled and vacated.)

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

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

-----X
Exxon Mobil Corporation,
Plaintiff-Appellant,

-against-

M-2596
Index No. 603471/06

Certain Underwriters at Lloyd's,
London, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 15, 2008 (Appeal No. 3402),

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 June 24, 2008.

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

-----X
M&B Joint Venture, Inc.,
Plaintiff-Respondent,

-against-

Laurus Master Fund, Ltd., et al., M-1988
Defendants-Appellants, Index No. 115741/06

Newman & Newman, P.C., et al.,
Defendants.

-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 4, 2008 (Appeal Nos. 2502N-2502NA),

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

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

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

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
Luis A. Gonzalez
John W. Sweeny, Jr., Justices.

-----X
Lena Lee Robertson, as Administratrix
of the Estate of Olive Robertson,
Plaintiff-Appellant,

-against-

M-2293
Index No. 20709/01

New York City Housing Authority,
Defendant-Respondent.

-----X

Defendant-respondent having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about July 19, 2007,

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

Ordered that the motion is denied. Sua sponte, appellant's time in which to perfect the appeal is enlarged to the October 2008 Term, with no further enlargements to be granted.

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 June 24, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2548

Ind. No. 4265/07

Abraham Conde,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 10, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2552
Ind. No. 4640/06

James Glover,

Defendant-Appellant.

-----X

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2550
Ind. No. 1392/07

Shawndale Mickens,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 22, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,

Respondent,

-against-

M-2554
Ind. No. 990/07

Dominique Jones,

Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about April 29, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income and listing his property with its value.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Fairmont Funding, Ltd.,
Plaintiff,

-against-

J&G Realty Properties, LLC., et al.,
Defendants,
-----X

M-2768
Index No. 602778/03

Joseph L. Francoeur, Esq., counsel for non-party Joseph Bachrach, Esq., having moved, pursuant to CPLR 5704(a), for certain relief having been denied by a Justice of the Supreme Court, New York County, on or about May 29, 2008, 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 June 24, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----x
In the Matter of a Family Offense
Proceeding Pursuant to Article 8 of
the Family Court Act,

Gayle R.-W.,
Petitioner-Respondent,

M-2446
Docket No. 013501/06

-against-

Marc W.,
Respondent-Appellant.

-----x
Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of disposition of the Family Court, New York County, entered on or about July 19, 2007, and from an order of protection of said Court entered on said date,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated May 8, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on June 24, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
James J. D'Esposito,
Plaintiff-Appellant,

-against-

Gusrae, Kaplan & Bruno, PLLC,
et al.,
Defendants-Respondents.

M-2401
Index No. 106893/03

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about December 14, 2007,

And plaintiff-appellant having moved for a stay of enforcement of the aforesaid order including a certain contempt hearing, pending hearing and determination of the aforesaid appeal

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Ronald Fields,
Plaintiff-Appellant,

-against-

Lucille Fields,
Defendant-Respondent.
-----X

M-2341
M-2541
Index No. 301630/05

Appeals having been taken from the judgment of divorce of the Supreme Court New York County, entered on or about June 22, 2007 and from the judgment of said court entered on or about October 10, 2007, respectively,

And appellant having moved by duplicate motions for consolidation of the aforesaid appeals and for an enlargement of time in which to perfect the appeals,

Now, upon reading and filing the papers with respect to the motions, and the signed correspondence of appellant's counsel dated May 13, 2008, and due deliberation having been had thereon,

It is ordered that motion M-2341 is deemed withdrawn, and motion M-2541 is granted to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the October 2008 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

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

-----X
Sara Kinberg,
Plaintiff-Appellant,

-against-

Yoram Kinberg,
Defendant-Respondent.
-----X

M-2713
Index Nos. 72304/92
108061/01

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 24, 2008 (Appeal Nos. 3486, 3487 and 3488),

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 June 24, 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-2333
Ind. No. 25/96

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

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 28, 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 submission by defendant of a notarized affidavit setting forth his indigency in compliance with CPLR 1101, including the amount of sources of the funds used to retain trial counsel, Jesus Marriero, Esq., and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 June 24, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzaelli
Richard T. Andrias
Eugene Nardelli, Justices.

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

-against-

M-179
Ind. No. 5473/01

Herbert Cephas,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 21, 2006 (Appeal Nos. 7899, 7900 and 7901), unanimously affirming the judgment of the Supreme Court, New York County (Lewis Bart Stone, J.), rendered on May 16, 2003,

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

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

It is ordered that said application is denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David B. Saxe
James M. Catterson, Justices.

-----X
In the Matter of

Pathjrie D., also known as Patrij D.,

M-6808A

A Custody and Visitation Proceeding
Pursuant to Article 6 of the Family
Court Act.

Docket No. V8299/03

Nimeh J.,
Petitioner-Appellant,

Administration for Children's Services
and Nadia J.,
Respondents-Respondents.

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

-----X
Petitioner-appellant grandmother, Nimeh J., having moved for consolidation of the appeal taken from the order of the Family Court, Bronx County, entered on or about June 14, 2006 (Docket No. V8299/03) with an anticipated appeal from a prospective order of said Family Court under Docket No. B6231/02, for leave to prosecute said appeals as a poor person, for assignment of counsel, a free copy of the transcripts, 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 only 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 under Family Court Docket No. V8299/03;

(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. The motion is otherwise denied, without prejudice to seek further relief with respect to an appeal being taken from a subsequent order of the Family Court termination proceeding. The order of this Court entered on February 20, 2007 (M-6808) is hereby recalled and vacated.

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 June 24, 2008.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John T. Buckley
James M. Catterson, Justices.

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

Respondent,

-against-

M-2150
M-2321
Ind. No. 5073/05

Jorge Santin,

Defendant-Appellant.
-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about April 4, 2008,

And Richard Charney, Esq., trial counsel for defendant, having moved on defendant's behalf for leave to prosecute the appeal as a poor person, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief (M-2150),

And respondent having cross-moved for dismissal of the appeal upon the grounds it has been abandoned (M-2321),

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.

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 June 24, 2008.

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

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

-against-

M-2588
Ind. No. 800/07

James Tucker,
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 January 18, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 June 24, 2008.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John T. Buckley
James M. Catterson, Justices.

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

-against-

M-2604
Ind. No. 3886/07

William Campbell,
Defendant-Appellant.

-----X
Defendant having moved, pro se and by the Neighborhood Defender Service of Harlem, for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about April 7, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Dianne T. Renwick, Justices.

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

M-2524
DC #76
Ind. Nos. 5809/04
49/05

-against-

Yuseiph Sidberry, also known as
Yuseiph Wiggins,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 20, 2005,

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 May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and appellant having submitted correspondence, dated May 14, 2008, seeking an enlargement of time in which to perfect the aforesaid appeal,

Now, upon reading and filing the papers, and upon the Court's own motion (M-2524 [DC #76]),

It is ordered that, sua sponte, Edward Hamlin, Esq., assigned as counsel on the appeal by order of this Court entered on August 3, 2006 (M-3578) is relieved as counsel to prosecute defendant's appeal, and pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, is assigned as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 June 24, 2008.

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

-----X
The RGH Liquidating Trust, etc.,
Plaintiff-Appellant,

-against-

M-1128
Index No. 600057/06

Deloitte & Touche LLP, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 24, 2008 (Appeal No. 2595),

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 June 24, 2008.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John T. Buckley
James M. Catterson, Justices.

-----X
Robert Schaefer,

Plaintiff-Appellant,

-against-

Chamaiporn Schaefer,

Defendant-Respondent.
-----X

M-2476
Index No. 305318/05

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 13, 2007,

And plaintiff-appellant having moved for an enlargement of time to perfect said appeal,

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on June 24, 2008.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John T. Buckley
James M. Catterson, Justices.

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

-against-

M-2374
Ind. No. 5372/93

Jose Luis Taveras,
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, entered on or about April 10, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record 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 Judge Solomon, if any. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 June 24, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias,
David B. Saxe
John T. Buckley, Justices.

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

-against-

M-2081
Ind. No. 6880/97

David Hemphill,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on October 8, 2002 (Appeal No. 1767),

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 June 24, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Milton L. Williams
Dianne T. Renwick, Justices.

-----X
In the Matter of

Jeremiah R.,

A Dependent Child Under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

Catholic Home Bureau for
Dependent Children,
Petitioner-Respondent,

M-2662
Docket No. B3448/03

Marilyn M.,
Respondent-Appellant.

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

-----X
Petitioner-respondent having moved for dismissal of the appeal taken from an order of the Family Court, New York County, entered on or about March 23, 2006,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

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

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

-against-

M-2592
Ind. No. 5231/06

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

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

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Tel. No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 June 24, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
Luis A. Gonzalez
Rolando T. Acosta, Justices.

-----X
In re Barnett J. Brimberg,
Petitioner-Appellant,

-against-

M-1795
Index No. 111238/04

The Commissioner of Finance of
the City of New York, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for reargument and/or clarification of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 6, 2008 (Appeal Nos. 3005-3005A),

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 June 24, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Karla Moskowitz
Rolando T. Acosta, Justices.

-----x
CDR Créances, S.A.,
Plaintiff-Respondent,

-against-

Leon Cohen, also known as Leon Levy,
etc., et al.,
Defendants-Appellants,

M-2643
Index No. 600448/06

Iderval Holdings, Ltd., et al.,
Defendants.

CDR Créances, S.A.,
Plaintiff-Respondent,

-against-

Maurice Cohen and World Business Center,
Inc.,
Defendants-Appellants,

M-2644
Index No. 109565/03

Summerson International Establishment,
et al.,
Defendants.

-----x
Plaintiff-respondent in the above-entitled actions having moved for dismissal of the purported appeals taken from a Compliance Conference Order issued by the Supreme Court, New York County, dated April 3, 2008,

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

It is ordered that the motions are granted and the purported appeals are dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
Milton W. Williams
Leland G. DeGrasse, Justices.

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

-against-

M-4725
Ind. No. 382/93

Sergio Perrilla,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 26, 1998 (Appeal No. 60823), unanimously affirming a judgment of the Supreme Court, Bronx County (Steven Barrett, J.), rendered on December 15, 1994,

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 June 24, 2008.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Barbara LaFurge,
Plaintiff-Appellant,

-against-

M-2736
Index No. 113990/03

Richard Cohen and
George Varsos,
Defendants-Respondents.

-----X

Plaintiff having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about May 14, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 2008 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on June 24, 2008.

Present: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Daniel Ryan,

Plaintiff-Respondent,

-against-

M-2360
Index No. 601909/05

Kellogg Partners Institutional
Services,

Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of all proceedings, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 26, 2008 (mot. seq. no. 003),

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 June 24, 2008.

Present: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Imaging International, Inc.,

Plaintiff-Appellant,

-against-

Hell Graphic Systems, Inc., et al.,

Defendants-Respondents.
-----X

M-2851
Index No. 5062/92

Plaintiff-appellant having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about October 29, 2007, and on or about October 30, 2007 and from the judgment of said Court entered on or about March 24, 2008,

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 appeals taken from the orders entered on or about October 29, 2007 and October 30, 2007 are dismissed as subsumed within the appeal taken from the judgment entered on or about March 24, 2008 and the time in which to perfect said appeal is enlarged to the November 2008 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Rachel Sky,
Plaintiff-Respondent,

-against-

M-2711
Index No. 107396/06

Mark Tabs,
Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 20, 2008 (mot. seq. no. 003),

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

It is ordered that the motion is granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 24, 2008.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
American Guarantee and Liability
Insurance Company,
Plaintiff-Respondent,

-against-

M-2483
Index No. 602207/07

Edmund J. Hoffmann, Jr. and Edmund J.
Hoffmann, Jr., P.C.,
Defendants-Appellants.

-----X

An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about February 27, 2008 (mot. seq. no. 001),

And defendants-appellants having moved for an extension of time in which to file a timely notice of appeal,

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

It is ordered that the motion is granted to the extent of deeming the appeal timely taken and the notice of appeal as timely filed.

ENTER:


Clerk.

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

BEFORE: Hon. Jonathan Lippman
Justice of the Appellate Division

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

M-2622
Ind. No. 5501/94


-against-

CERTIFICATE
DENYING LEAVE

Omar J. Alvarez,

Defendant.
-----X

I, Jonathan Lippman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Robert M. Stolz, J.), entered on or about January 15, 2008 is hereby denied.


Jonathan Lippman
Presiding Justice

Dated: June 16, 2008
New York, New York

ENTERED: JUN 24 2008

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

BEFORE: Hon. Jonathan Lippman,
Justice of the Appellate Division

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

M-2383
Ind. No. 4103/02

-against-

CERTIFICATE
DENYING LEAVE

Melvin McMillian,

Defendant.
-----X

I, Jonathan Lippman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (James A. Yates, J.), entered on or about January 25, 2008, is hereby denied.


Jonathan Lippman
Presiding Justice

Dated: June 16, 2008
New York, New York

ENTERED: JUN 24 2008

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,
Respondent,

M-2712
Ind. No. 2629/04

-against-

CERTIFICATE
GRANTING LEAVE

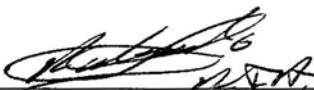
CHRISTIAN FIGUEROA,
Defendant-Appellant.

-----X
I, Rolando T. Acosta, 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 April 23, 2008.¹

Dated: June 17, 2008
New York, New York

ENTERED

JUN 24 2008



Hon. Rolando T. Acosta
Associate Justice

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

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.

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.

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

-----X
The Alphonse Hotel Corp. d/b/a The Hotel
Carter and Tran Dinh Truong,

M-2676
Index No. 602263/99

-against-

CERTIFICATE
DENYING LEAVE

Hamidou Diallo,

Defendant.

-----X

Defendant having moved for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or before March 27, 2008 which denied defendant's motion for reargument of the order of said Court entered on default on or about November 8, 2007 granting plaintiff's motion to discontinue the action 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.



Hon. Leland G. DeGrasse
Justice of the Appellate Division

Dated: New York, New York
June 16, 2008

ENTERED:

JUN 24 2008