

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 May 1, 2008.

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

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

-against-

M-1697  
Ind. No. 4064/87

Anthony Jones,  
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of resentencing of the Supreme Court, Bronx County, rendered on or about April 17, 2006,

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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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

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

-----X  
Sheera Godfrey Ben-David,  
Plaintiff-Respondent,

-against-

M-1810  
Index No. 105096/05

Peter Cabrera, Manhattan and Bronx  
Surface Transit Operating Authority  
and New York City Transit Authority,  
Defendants-Appellants,

-and-

City of New York,  
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 28, 2007 (mot. seq. no. 002),

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

It is ordered that the appeal is withdrawn in accordance with the aforesaid motion.

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 May 1, 2008.

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

-----X  
Lindsay Wasserberger,  
Plaintiff-Respondent,

-against-

M-1975X  
Index No. 107190/05

Somers Chase Taxi, Inc., et al.,  
Defendants,

Wilmot H. Kidd and Charlotte D. Kidd,  
Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 30, 2007 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 15, 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 May 1, 2008.

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

-----X  
Kerry Vassar and William Vassar,  
Plaintiffs,

-against-

M-1997X  
Index No. 24061/04

Alan White, M.D.,  
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 8, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 15, 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 May 1, 2008.

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

-----X  
Thomas King and Christine King,  
Plaintiff-Appellants,

-against-

M-2033X  
Index No. 6109/01

Bay Plaza Apple, LLC,  
Defendant-Respondent.  
[And a third-party action.]

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 16, 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 May 1, 2008.

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

-----X  
RF West 132 LLC, Plaintiff,  
-against- M-2035X  
Index No. 601640/07  
Mediolanum, LLC, Defendant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 22, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 17, 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 May 1, 2008.

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

-----X  
Downtown Realty Operating Corporation  
and Flatiron 21st Street, LLC,  
Plaintiffs-Respondents,

-against-

M-2036X  
Index No. 603676/05

Flatiron 21 Associates, LLC,  
Defendant-Appellant.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 16, 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 May 1, 2008.

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

-----X  
Maroff Hussain, et al.,  
Plaintiffs-Respondents,

-against-

M-2037X  
Index No. 605953/01

Hi-Tech Construction and Management  
Services, Inc.  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about January 2, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 16, 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 May 1, 2008.

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

-----X  
Update, Inc.,

Plaintiff-Appellant,

M-1996

-against-

Index No. 602814/07

Bond International Software, Inc.,

Defendant-Respondent.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 4, 2008 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, filed April 15, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2008 Term, 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 May 1, 2008.

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

-----X  
Kalimah Al-Hamid,  
Plaintiff-Respondent,

-against-

The City of New York, 940 Southern  
Boulevard, LLC, Subway Restaurants,  
Defendants-Respondents,

M-2041  
Index No. 26098/04

-and-

Risha & Pallivi, LLC,  
Defendant-Appellant.

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

Now, upon reading and filing the stipulation of the parties hereto, dated April 11, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the June 2008 Term, is withdrawn 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 May 1, 2008.

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

-----X  
In the Matter of Abraham Hirschfeld,  
Plaintiff,

Elie Hirschfeld,  
Plaintiff-Appellant,

Zipora Hirschfeld & Rachel Hirschfeld, M-1998  
Plaintiffs, Index No. 463/92

-against-

The City of New York,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 10, 2006 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated April 14, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2008 Term, is withdrawn 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 May 1, 2008.

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

-----X  
Ricky Punter,  
Plaintiff-Respondent,

-against-

City of New York and Marc Rios,  
Defendants-Appellants.

M-2046  
Index No. 8976/05

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 4, 2006,

Now, upon reading and filing the stipulation of the parties hereto, dated April 15, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2008 Term, is withdrawn 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 May 1, 2008.

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

-----X  
Myrtle Kaplan,  
Plaintiff-Appellant,

-against-

M-2047  
Index No. 102080/06

New York Mercantile Exchange,  
Defendant-Respondent.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 22, 2008 (mot. seq. no. 003),

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

It is ordered that the appeal, previously perfected for the September 2008 Term, is withdrawn 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 May 1, 2008.

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

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

-against-

M-1784  
Ind. No. 3344/07

Dennis Almonte,  
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 October 9, 2007, 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.

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 May 1, 2008.

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

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

-against-

M-1785  
Ind. No. 2504/02

Jose Diaz, also known as Alex Diaz,  
also known as Alex Vielman,  
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 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 May 1, 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-1787  
Ind. No. 3958/07

Rondell Wilkins,  
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 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, 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 May 1, 2008.

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

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

-against-

M-1826  
Ind. No. 2046/06

Pedro Melendez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about March 19, 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 May 1, 2008.

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

-----X  
In the Matter of

Jeffrey R.,

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

-----  
Catholic Home Bureau for  
Dependent Children, et al.,  
Petitioners-Respondents,

M-1403  
Docket No. B9140/05

Carmen M.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about December 20, 2007, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Susan Jacobs, Esq., Center for Family Representation, 116 John Street, 19th Floor, New York, New York 10038, Telephone No. 212-691-0950, as counsel for purposes of prosecuting the appeal; (2) **directing the Clerk of said Family Court to have transcribed 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 therefor<sup>1</sup> **within 60 days of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. **Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.** (See M-1403A, decided simultaneously herewith).

ENTER:



Clerk

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

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

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

-----X  
In the Matter of

Jeffrey R.,

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

- - - - -  
Catholic Home Bureau for  
Dependent Children, et al.,  
Petitioners-Respondents,

M-1403A  
Docket No. B9140/05

Carmen M.,  
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for a stay of order  
terminating parental rights, pending hearing and determination of  
the appeal taken from an order of the Family Court, New York  
County, entered on or about January 11, 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. (See M-1403 decided  
simultaneously herewith).

Dated: New York, New York  
April 23, 2008



Milton L. Williams  
Associate Justice

Entered: **MAY 01 2008**

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2008.

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

-----X  
NYCTL 1999-1 Trust and The Bank of  
New York, as Collateral Agent and  
Custodian for the NYCTL 1999-1 Trust,  
Plaintiff-Respondent,

-against-

M-1717  
Index No. 27686/02

573 Jackson Avenue Realty Corp.,  
Defendant-Appellant,

-and-

City of New York Bureau of Highway  
Operations, New York State Department  
Of Taxation and Finance, New York City  
Department of Finance, New York City  
Transit Adjudication Bureau, The People  
of the State of New York, The City of  
New York, United States of America,  
Defendants.

-----X

Defendant-appellant having moved for consolidation of the appeals taken from the judgment and the order of the Supreme Court, Bronx County, entered on or about May 24, 2007 and December 7, 2007, 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 permitting appellant to prosecute the consolidated appeals upon 10 copies of one record and of one set of appellant's points covering the appeals. Defendant is directed to perfect said appeals for the September 2008 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Luis A. Gonzalez  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----X  
Alex Epstein, an infant by his mother  
and natural guardian, Nelida Alvarez,  
and Nelida Alvarez, individually, and  
Antonia Alvarez,  
Plaintiffs-Appellants,

-against-

M-1774  
Index No. 26056/03

Allstate Insurance Company,  
Defendant-Respondent.  
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect their appeal from an order of the Supreme Court, Bronx County, entered on or about February 28, 2007,

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

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

ENTER:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Luis A. Gonzalez  
Karla Moskowitz  
Rolando T. Acosta, Justices.

-----X  
Mariette Torres,  
Plaintiff-Appellant,

-against-

M-1608  
Index No. 111780/05

Washington Heights Business  
Improvement District Management  
Association, Inc.,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 16, 2007 (mot. seq. no. 003),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties hereto dated March 14, 2008 and due deliberation having been had thereon, it is

Ordered that the motion is granted on consent, and appellant's time in which to perfect the appeal is enlarged to the September 2008 Term.

E N T E R:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
Milton W. Williams, Justices.

-----X  
In the Matter of the commitment of

Jennifer S.,

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

- - - - -  
Mercy First, et al.,  
Petitioners-Respondents,

M-1605  
Docket No. B-20933/06

Elba R.,  
Respondent-Appellant.

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

-----X  
Respondent having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about November 14, 2007, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, George Reed, Esq., 222 Mamaroneck Avenue, White Plains, New York 10605, Telephone No. 914-946-5000, 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 therefor<sup>1</sup> **within 60 days of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. **Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.**

ENTER:



Clerk

---

<sup>1</sup>Service 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 May 1, 2008.

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

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

-against-

M-1439  
Ind. No. 2625/06

Umar Delgado,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 11, 2007, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, 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 May 1, 2008.

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

-----X  
In the Matter of a Support Proceeding

Tanya T. McD., M-717  
Petitioner-Respondent, Docket No. F13592-05/07C

-against-

Timothy E. D.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of commitment of the Family Court, New York County, entered on or about January 18, 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 Section 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791-3116, Telephone No. 516-921-8800, as counsel, for purposes of prosecuting the appeal; (2) **directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup>;** (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.

---

<sup>1</sup>Service 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 May 1, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
Luis A. Gonzalez  
James M. McGuire, Justices.

-----X  
In the Matter of

Jamie A. D. N. (DOB: 4/26/2003),  
Jasmine N. (DOB: 2/10/2001),  
Merkadel N. (DOB: 1/23/06),  
M-293  
Docket Nos. N09196/06  
N09197/06  
N09198/06

Children Under 18 Years of Age Alleged to be abused and/or Neglected Pursuant to Article 10 of the Family Court Act.

-----  
Administration for Children's Services CPS #5382082  
Petitioner-Respondent,

Anita N. and Shanikqua N.,  
Respondents,

Sandra N.,  
Respondent-Appellant.

-----  
Hal Silberman, Esq., Lawyer's for  
Children,  
Law Guardian for the Children.

-----X

Respondent-appellant Sandra N. having moved for leave to prosecute, as a poor person, her appeal from the order of Fact-Finding of the Family Court, New York County, entered on or about May 22, 2007, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791-3116, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) **directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 60 days of service of a copy of this order upon the Clerk;**

---

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



(3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. **Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.** (See M-293A, decided simultaneously herewith.)

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 May 1, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
Luis A. Gonzalez  
James M. McGuire, Justices.

-----X  
In the Matter of

Devin N. (DOB: 10/6/90),  
Muray N. (DOB: 4/7/97),  
Showanna N. (DOB: 8/25/01),  
Tranaia N. (DOB: 7/4/99),  
Trevor N. (DOB: 8/12/98),

Children Under 18 Years of Age Alleged  
to be abused and/or Neglected Pursuant  
to Article 10 of the Family Court Act.

M-293A  
Docket Nos. NN9199/06  
NN9200/06  
NN9201/06  
NN9202/06  
NN9203/06

Administration for Children's Services,  
Petitioner-Respondent,

Sandra N.,  
Respondent-Appellant,

CPS #5039946

Lanell N.,  
Respondent.

-----  
Steven Banks, Esq., The Legal Aid  
Society,  
Law Guardian for the Children.  
-----X

Respondent-appellant Sandra N. having moved for leave to prosecute, as a poor person, her appeal from the order of Fact-Finding of the Family Court, New York County, entered on or about April 20, 2007, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791-3116, Telephone No. 516-921-8800, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup>

---

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

within 60 days of service of a copy of this order upon the Clerk;  
(3) permitting appellant to dispense with any fee for transferring the  
record from the Family Court to this Court; and (4) enlarging the time  
to perfect this appeal until 120 days from the date of filing of the  
record. Assigned counsel is directed to immediately subpoena the  
record from the Family Court and to serve a copy of this order upon  
the Clerk of the Family Court. (See M-293, decided simultaneously  
herewith.)

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 May 1, 2008.

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

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

- - - - -  
Iris R.,  
Petitioner-Respondent,

**M-1241**  
Docket Nos. V26895/04/06 A&B

-against-

Jose R.,  
Respondent,

Lisa R.,  
Respondent-Appellant.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about November 8, 2007, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lisa H. Blitman, Esq., 225 Broadway, Suite 1203, New York, NY 10007, Telephone No. 212-724-2792, 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 therefor<sup>1</sup>**; (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.

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<sup>1</sup>Service 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 May 1, 2008.

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

-----X  
In the Matter of a Paternity Proceeding  
Under Article 6 of the Family Court Act.  
- - - - -


Glenda G., M-1220  
Petitioner-Respondent, Docket No. P18471/06  
  
-against-

Mariano M.,  
Respondent-Appellant.  
-----X

Respondent-appellant 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 1, 2007, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and Section 1120 of the Family Court Act, Dora Lassinger, Esq., 6 Howland Rd., East Rockaway, NY 11518, Tel. No. 516-887-8987, 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 therefor<sup>1</sup>;** (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.

---

<sup>1</sup>Service 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 May 1, 2008.

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

-----X  
Thresia George,  
Plaintiff-Respondent,

-against-

M-1599  
Index No. 5334/06

Kurian Joseph,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 8, 2007,

And an order of this Court having been entered on January 3, 2008 (M-6116), denying defendant-appellant's application for poor person relief,

And a further order of this Court having been entered on February 28, 2008 (M-287) denying defendant's motion for reargument of the prior order of this Court (M-6116),

And defendant-appellant having again moved for poor person relief with respect to 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 plaintiff's motion for poor person relief 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 May 1, 2008.

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

-----X  
In the Matter of

Evelyse Luz S., also known as  
Evelyse S.,

M-698

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

Docket No. B48/07

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

Evelyn G.,  
Respondent-Appellant.

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

-----X

Respondent-appellant mother, Evelyn G., 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 October 17, 2007, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. 914-834-3053,



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 therefor<sup>1</sup>; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. **Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.** (See M-698A, decided simultaneously herewith.)

ENTER:



Clerk.

---

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

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

BEFORE: Hon. Peter Tom  
Justice of the Appellate Division

-----X  
In the Matter of

Evelyse Luz S., also known as  
Evelyse S.,

M-698A

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

Docket No. B48/07

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

Evelyn G.,  
Respondent-Appellant.

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

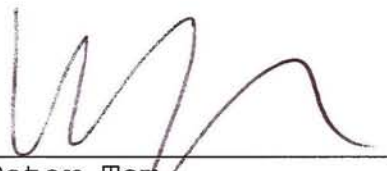
-----X

Respondent-appellant mother, Evelyn G., having moved for a stay of the order of the Family Court, New York County, entered on or about October 17, 2007, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied. (See M-698, decided simultaneously herewith.)

Dated: New York, New York  
April 23, 2008

  
\_\_\_\_\_  
Hon. Peter Tom  
Justice of the Appellate Division

**ENTERED** .MAY 01 2008

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Milton W. Williams  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
Clarence Jones,  
Plaintiff-Appellant,

-against-

414 Equities LLC and Artimus  
Construction, Inc.,  
Defendants-Respondents.

-----X  
414 Equities LLC,  
Third-Party Plaintiff-Appellant,

M-1874  
Ind. No. 100477/05

-against-

Bronxdale Maintenance Corp.,  
Third-Party Defendant-Respondent.

-----X

Defendants-respondents having moved for a stay of trial pending hearing and determination of the appeal taken from an order of the Supreme Court, New York County, entered on or about March 26, 2008 (mot. seq. no. 013),

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 May 1, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Milton L. Williams  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
Sujeiri Humphry,

Plaintiff-Appellant,

-against-

M-1956  
Index No. 15893/05

Ramon Cartagena, et al.,

Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about February 11, 2008,

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

Ordered that the motion is granted on condition the appeal is perfected for the October 2008 Term of this Court.

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 May 1, 2008.

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

-----X

In the Matter of

Willie T.,

A Person Alleged to be a Juvenile  
Delinquent,

M-1931  
Docket Nos. D27695/06  
D27714/06

Appellant.

-----X

Appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Family Court, Bronx County, entered on or about April 17, 2007,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2008.

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

-----X  
Board of Managers of 60 East 88<sup>th</sup>  
Street Condominium Association,  
Plaintiff-Appellant,

-against-

Action No. 1  
Index No. 109715/03

Andrew Stein, et al.,  
Defendants-Respondents.

-----  
M-1732

Board of Managers of 60 East 88th  
Street Condominium Association,  
Plaintiff-Appellant,

-against-

Action No. 2  
Index No. 109447/07

David Kuo Liang Yang,  
Defendant-Respondent.

-----X  
Plaintiff-appellant having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about June 18, 2007 (mot. seq. no. 010) and June 27, 2007 (Action No. 1) and from the order of said court entered on or about November 27, 2007 (mot. seq. no. 001) (Action No. 2), respectively,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties hereto dated March 13, 2008 and due deliberation having been had thereon, it is

Ordered that the motion is granted on consent, to the extent of permitting appellant to prosecute the appeals (Action No. 1 and Action No. 2) upon 10 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the September 2008 Term.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2008.

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

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

-against-

M-1486  
Ind. No. 5431/03

Alberto Polanco,  
Defendant-Appellant.

-----X

An order of this Court having been entered on January 31, 2008 (M-6656) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 25, 2005, and assigning Steven N. Feinman, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven N. Feinman, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Mitchell Dranow, Esq., 75 Main Street, Sea Cliff, New York 11579, Tel. No. 516-286-2980, 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.

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 May 1, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Milton W. Williams  
John T. Buckley  
James M. Catterson, Justices.

-----X  
In re Steven J. K.,  
Petitioner-Respondent,

-against-

Leah T. K.,  
Respondent-Appellant.

M-262  
Docket No. F7574/91

-----X

Respondent-appellant having moved for reargument of the decision and order of this Court entered on December 20, 2007 (Appeal Nos. 2064, 2065, and 2066),

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 May 1, 2008.

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

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

Fay Toby S.,  
Petitioner-Appellant,

**M-1526 & M-1719**

Docket No. V15910/06

-against-

Marc S.,  
Respondent-Respondent.

-----X  
Appeals having been taken to this Court from orders of the Family Court, New York County, entered on or about June 19, 2007, July 24, 2007 and November 8, 2007, respectively,

And an order of this Court having been entered on January 24, 2008 (M-6362A), granting consolidation of the aforesaid appeals,

And the law firm of Gilman & Schneider having moved to be relieved as counsel for petitioner on the consolidated appeals and for a stay, pending hearing and determination of said appeals (M-1526),

And petitioner having moved for leave to prosecute the consolidated appeals as a poor person, for the assignment of counsel, and for related relief (M-1719),

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

Ordered that counsel's motion (M-1526) is granted to the extent of relieving Gilman & Schneider as attorneys on the consolidated appeals and enlarging the time of appellant in which to perfect said appeals to the September 2008 Term, and the motion is otherwise denied. Petitioner's motion for poor person relief and assignment of counsel (M-1719) is granted only to the extent of enlarging the time in which to perfect the consolidated appeals to said September 2008 Term, with no further enlargements to be granted.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 1, 2008.

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

-----X  
Imaging International, Inc.,  
Plaintiff-Appellant,

-against-

M-1789  
Index No. 5062/92

Hell Graphic Systems, Inc., et al.,  
Defendants-Respondents.  
-----X

Defendants-respondents having moved to dismiss the appeal from the orders of the Supreme Court, New York County, entered on or about October 29, 2007 and October 30, 2007, 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 dismissing the appeal unless it is perfected for the October 2008 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that respondents serve a copy of this order upon appellant within 10 days from the date of entry hereof.

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 May 1, 2008.

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

-----X  
Ricardo Maldonado,  
Plaintiff-Respondent,

-against-

M-1671  
Index No. 14496/01

The City of New York,  
Defendant-Appellant,

-and-

Con Edison,  
Defendant.

-----X  
Consolidated Edison Company of New  
York, Inc.,  
Third-Party Plaintiff,

-against-

Index No. 82607/01

Co-Star Construction Co., Inc.,  
Third-Party Defendant.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 20, 2007,

And defendant City of New York having moved for an enlargement of time in which to perfect its cross appeal from the aforesaid order,

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

Ordered that the motion is granted to the extent of enlarging the time of the municipal appellant in which to perfect its appeal, as direct appellant, to the September 2008 Term.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on May 1, 2008.

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

-----X  
In the Matter of the Application of  
Sidat Lassiter,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78 M-1802  
of the Civil Practice Law and Rules, Index No. 108258/07

-against-

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

Petitioner-appellant having moved for a stay of eviction, pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 29, 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 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 May 1, 2008.

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

-----X  
In the Matter of the Application  
of a Paternity Proceeding Under  
Article 5 of the Family Court Act.  
-----

Fidel A.,  
Petitioner-Appellant, M-946  
Docket No. P16461/04

-against-

Sharon N. and Wayne N.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about June 14, 2007, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lisa H. Blitman, Esq., 225 Broadway, Suite 1203, New York, NY 10007, Telephone No. 212-724-2792, 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 therefor<sup>1</sup>; (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 to the June 2008 Term. **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.

---

<sup>1</sup>Service 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 May 1, 2008.

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

-----X  
Ruby Emanuel, individually and as  
Administratrix of the Estate of  
James Emanuel,  
Plaintiff,

-against-

Sheridan Transportation Corp., et al.,  
Defendants,

Kenneth Heller,  
Non-Party Appellant,

Jacoby & Meyers,  
Non-Party Respondent.

M-1217  
M-1815  
Index No. 1437/06

-----X

Consolidated appeals having been taken from the orders of the Supreme Court, Bronx County entered on or about January 26, 2007, March 9, 2007 and May 2, 2007, respectively,

And appellant having moved to strike portions of respondent's brief on the grounds that it contains material de hors the record, and for related relief (M-1217),

And respondent having moved to file a supplemental record consisting of documents annexed to the moving papers as Exhibit A, or for alternative relief, (M-1815),

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

Ordered that the motion to file a supplemental record (M-1815) is granted to the extent of directing respondent to file a supplemental record consisting of the documents contained in Exhibit A to the moving papers and to file a substitute respondent's brief. The motion to strike portions of respondent's brief (M-1217) is granted to the extent indicated.

E N T E R:

  
Clerk.

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

BEFORE: HON. MILTON L. WILLIAMS  
Justice of the Appellate Division

-----X  
In the Matter of the Application of  
Woodrow Flemming,  
Petitioner,

M-1209  
Ind. No. 404929/06

-against-


CERTIFICATE  
DENYING LEAVE

Frank Rizzo, Howard Songeson and  
Hon. James Yates,  
Respondents.

-----X

I, Milton L. Williams, a Justice of the Appellate Division,  
First Judicial Department, do hereby certify that, upon  
application timely made by the above-named defendant for a  
certificate pursuant to Criminal Procedure Law, section 460.15,  
and upon the record and proceedings herein, there is no question  
of law or fact presented which ought to be reviewed by the  
Appellate Division, First Judicial Department, and permission to  
appeal from the order of the Supreme Court, New York County,  
entered on or about September 6, 2007, is hereby denied.

ENTERED: April 15, 2008

  
\_\_\_\_\_  
Hon. Milton L. Williams  
Justice of the Appellate Division

**ENTERED**

**MAY 01 2008**



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

BEFORE: Hon. John W. Sweeny, Jr.  
Justice of the Appellate Division

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

M-4708  
Ind. No. 2581/95

-against-

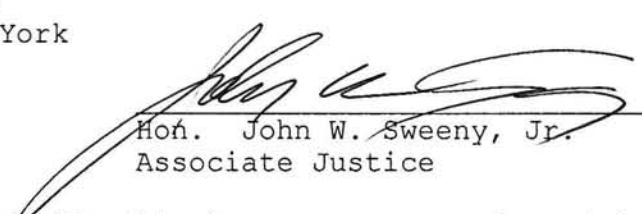
CERTIFICATE  
GRANTING LEAVE

Darryl Whitley,  
Defendant-Appellant.

-----X

I, John W. Sweeny, Jr., 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 April 16, 2007.

Dated: April 28, 2008  
New York, New York

  
\_\_\_\_\_  
Hon. John W. Sweeny, Jr.  
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 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.

**ENTERED**

**MAY 01 2008**

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

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

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

-against-

**M-4956**

James Pettus,

Ind. No. 6117/02

Defendant.

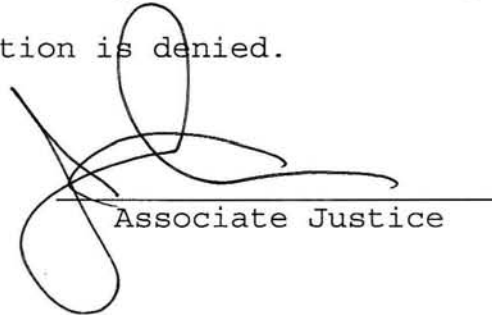
-----X

An order of a Justice of this Court dated, August 23, 2007 (M-3264), having denied defendant's application for a certificate pursuant to Criminal Practice Law, sections 450.15 and 460.15, and for permission to appeal from the order of the Supreme Court, New York County, entered on or about June 4, 2007,

And defendant having moved for leave to appeal to the Court of Appeals from the aforesaid order of a Justice of this Court,

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.

  
\_\_\_\_\_  
Associate Justice

Dated: April 24, 2008  
New York, New York

Entered: **MAY 01 2008**