

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 13, 2008.

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

-----X
Noel Pereyra,
Plaintiff-Appellant,

-against-

M-2231X
Index No. 16935/04

Juan Rivera,
Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 9, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 29, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 13, 2008.

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

-----X
Valesca Guerrand-Hermes,
Plaintiff-Appellant,

-against-

M-2235X
Index No. 350263/06

Mathias Guerrand-Hermes,
Defendant-Respondent.
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about October 9, 2007 (mot. seq. no. 003) and October 10, 2007 (mot. seq. no. 004), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 28, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 13, 2008.

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

-----X
Elizabeth Katz,
Plaintiff-Appellant,

-against-

M-2236X
Index No. 600752/07

MBL Communications, Inc. and
Psychiatric Weekly, LLC,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 26, 2007 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 28, 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 13, 2008.

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

-----X
Marcelino Marquez,
Plaintiff-Respondent,

-against-

M-2251X
Index No. 8345/04

Montefiore Medical Center
and Jairo A. Bastidas, DMD.,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about August 22, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 30, 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 13, 2008.

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

-----X
Seregbe Kaba,

Plaintiff-Respondent,

M-2189

-against-

Index No. 14239/06

Bienvenida Perez,

Defendant-Respondent,

Tiemoko Sogodogo,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 18, 2007,

Now, upon reading and filing the stipulation of the parties hereto, filed April 23, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the May 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 13, 2008.

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

-----X
Valerie Brown,
Plaintiff-Respondent,

-against-

M-1790
Index No. 108031/06

Bethlehem of Harlem Associates, L.P.,
Defendant-Appellant.

-----X
Bethlehem of Harlem Associates, L.P.,
Third-Party Plaintiff-Appellant,

-against-

Third-Party
Index No. 591211/06

TSI Special Services, Inc.,
Third-Party Defendant.

-----X

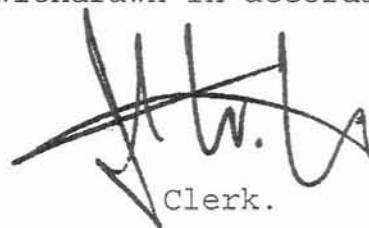
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 7, 2008 (mot. seq. no. 004),

And defendant/third-party plaintiff-appellant having moved for a stay of all proceedings pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion including the correspondence dated April 9, 2008 from movant's counsel, and due deliberation having been had thereon,

It is ordered that the motion and the appeal, previously perfected for the June 2008 Term, are 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 13, 2008.

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

-----X
Victoria DiSanto and Leonard DiSanto,
Plaintiffs,

-against-

City of New York,
Defendant-Respondent,

M-2207
Index No. 115526/06

-and-

Philjo Holding Corporation and
Hughes Tavern, LLC,
Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated March 21, 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 13, 2008.

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

-----X
Andrew Mark, etc.,

Plaintiff-Appellant,

-against-

M-2208

Index No. 601949/02

H.F. Lenfest, et al.,

Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 21, 2007 (mot. seq. no. 005),

Now, upon reading and filing the stipulation of the parties hereto, filed April 24, 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 13, 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-2007
Ind. No. 2221/03

Luis Mantilla, also known as
Luis F. Mantilla,
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 (Bonnie G. Wittner, J.) entered on or about March 18, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Wittner as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 13, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
Eugene Nardelli
John T. Buckley
Rolando T. Acosta, Justices.

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

-against-

M-1290
Ind. No. 3314/99

Gadi Nachum,
Defendant-Appellant.
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 19, 2007, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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 13, 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-2005
Ind. No. 1153/07

Jonathan Cando,
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 19, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

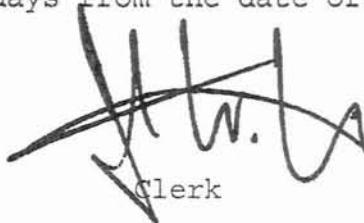
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 13, 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-2008
Ind. No. 5376/06

Steven Myers, also known as
Steven R. Myers,
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 February 25, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

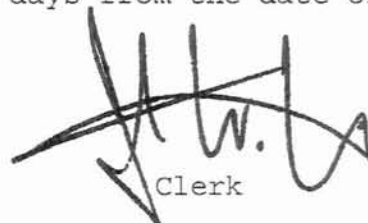
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 13, 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-2009
Ind. No. 1187/03

Hector Rincon,
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 April 3, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

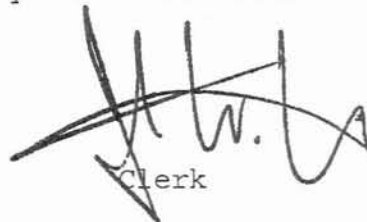
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 13, 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-2010
Ind. No. 988/06

Jose Rodriguez,
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 February 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.

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 13, 2008.

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

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

-against-

M-2025
Ind. No. 4513/07

Vincent Richardson, also known as
Vincent B. Richardson,
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 April 4, 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 13, 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-2026
Ind. No. 3284/07

Robert Wright,
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 31, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

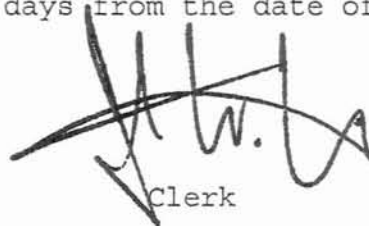
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 13, 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-2028
Ind. No. 4633/07

Adebola Bamisile,
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 26, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

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 13, 2008.

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

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

-against-

M-1276
Ind. No. 1826/00

William Allen,
Defendant-Appellant.

-----X

Defendant 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 29, 2008 (Appeal No. 2624-2625),

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

It is ordered that the motion to the extent it seeks reargument is denied. So much of the motion which seeks leave to appeal is dismissed, the defendant having sought such relief in the Court of Appeals. [CPL 460.20]

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 13, 2008.

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

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

-against-

Kenny Martinez-Estevez, also
known as Kennedy Martinez-Estevez,
Defendant-Appellant.

M-1476
M-1479
Ind. Nos. 1244/07
3832/06

-----X
Defendant having moved, by separate motions, for an enlargement of time in which to file notices of appeal from the judgments of the Supreme Court, New York County, rendered on or about September 10, 2007, for leave to prosecute the appeal(s) 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 notices of appeal as timely filed.

The motions, to the extent that they seek poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth the amount of sources of funds to pay the fee of trial counsel, R. Paisley, Esq., and to post the \$7,500 cash bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant. Sua sponte the appeals are consolidated and appellant may perfect said consolidated appeal on one set of appellant's points.

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 13, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Richard T. Andrias
Luis A. Gonzalez, Justices.

-----X
Kytel International Group, Inc.,
Plaintiff-Respondent,

M-1484
Index No. 601846/03

-against-

Total-Tel Carrier Services, Inc.,
also known as Covista Carrier Services,
Inc., et al.,
Defendants-Appellants.

[Appeal No. 1654]

Kytel International Group, Inc.,
Plaintiff-Appellant,

-against-

Total-Tel Carrier Services, Inc.,
also known as Covista Carrier Services,
Inc., et al.,
Defendants-Respondents.

[Appeal No. 1655]

-----X

Plaintiff having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 15, 2008 (Appeal Nos. 1654 and 1655),

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 May 13, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
Luis A. Gonzalez
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
Michele Gray,
Plaintiff-Appellant,

-against-

M-1744
Index No. 16328/03

Lawrence Jaeger, D.O., et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 6, 2008 (Appeal No. 2635N),

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 May 13, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Andrew Mark, etc.,
Plaintiff-Appellant,

Smart Tone Authentication, Inc.
and Smart Tone Inc.,
Plaintiffs,

-against-

M-2017
Index No. 103805/06

Dechert LLP, formerly known as
Dechert, Price & Rhoads, LLP,
Defendant-Respondent.

-----X

Plaintiff-appellant Andrew Mark having moved for an enlargement of time in which to perfect the appeals from an order and judgment (one paper) and the amended judgment of the Supreme Court, New York County, entered on or about June 15, 2007 (mot. seq. no. 002) and March 19, 2008, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals, which are, sua sponte, consolidated for the September 2008 Term. Appellant is permitted to prosecute the appeals upon 10 copies of one record and one copy of appellant's points covering the aforesaid appeals. (See M-2159, decided simultaneously herewith)

E N T E R:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 13, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Andrew Mark, etc.,
Plaintiff-Appellant,

Smart Tone Authentication, Inc.
and Smart Tone Inc.,
Plaintiffs,

-against-

M-2159
Index No. 103805/06

Dechert LLP, formerly known as
Dechert, Price & Rhoads, LLP,
Defendant-Respondent.

Eric W. Berry,
Non-party Appellant.
-----X

Consolidated appeals having been taken by plaintiff-appellant Andrew Mark from an order and judgment (one paper) and the amended judgment of the Supreme Court, New York County, entered on or about June 15, 2007 (mot. seq. no. 002) and March 19, 2008, respectively,

And non-party appellant Eric W. Berry having moved for an enlargement of time in which to perfect his appeal from the aforesaid order and judgment (one paper) of said court, entered on or about June 15, 2007 (mot. seq. no. 002),

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

Ordered that the motion is granted to the extent of directing non-party appellant to file his brief simultaneously with the filing of appellant's brief in the aforesaid consolidated appeals taken by Andrew Mark, for the September 2008 Term without additional fee. The Clerk is directed to calendar the appeals for hearing together in said September 2008 Term. (See M-2017, decided simultaneously herewith)

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 13, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
Eugene Nardelli
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Luanne Lacarrere,
Plaintiff-Respondent,

-against-

M-2016
Index No. 350506/04

Kristopher Lacarrere,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an order staying his commitment upon a finding of contempt, pending hearing and determination the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 7, 2007 (mot. seq. no. 016),

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

Ordered that the motion is granted to the extent of continuing the interim relief afforded appellant by the order of a Justice of this Court, dated April 16, 2008, on condition appellant perfects the appeal for the September 2008 Term and upon further condition that appellant pay \$5,000 to non-party claimant law firm within 20 days after the date of entry hereof. Upon failure to comply with either condition, an order vacating the stay of incarceration may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after 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 13, 2008.

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

-----X
Benedetto Lamarca, Dolores Guidy, and
Stephen Tedesco, individually, and on
behalf of all others similarly situated
as Class Representatives,
Plaintiffs-Respondents,

-against-

M-1971
Index No. 601973/04

The Great Atlantic and Pacific Tea
Company, Inc., doing business as
A&P, The Food Emporium, and Waldbaum's,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 10, 2007 (mot. seq. no. 004),

And defendants-appellants having moved for an enlargement of time in which to perfect the appeal to the September 2008 Term of this Court,

Now, upon reading and filing the papers with respect to the motion, including the correspondence dated April 29, 2008 from appellant's counsel, and due deliberation having been had thereon,

It is ordered that the motion is withdrawn, said appeal having been perfected on April 21, 2008.

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 13, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Milton W. Williams
John T. Buckley
James M. Catterson, Justice.

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

Edward Botero,
Petitioner-Respondent,

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

M-1793
Index No. 103844/07

-against-

New York City Civil Service Commission
and New York City Department of
Sanitation,
Respondents-Appellants.

-----X

Petitioner-respondent having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, entered on or about February 19, 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 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 in the County of New York on May 13, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Milton W. Williams, Justices.

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

-against-

M-1638
Ind. No. 624/04

Curtis Nichols,
Defendant-Appellant.

-----X

An order of this Court having been entered on December 14, 2006 (M-5775), inter alia, assigning Steven Banks, Esq., as counsel to prosecute defendant's appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 4, 2005,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, 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, 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 13, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Milton L. Williams, Justices.

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

-against-

M-1835
Ind. No. 9797/99

Rudolph Rogers, also known as
Rudolf Rogers,
Defendant-Appellant.

-----X

An order of this Court having been entered on August 17, 2006 (M-4062) 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 April 23, 2001,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as 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 13, 2008.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Luis A. Gonzalez
John W. Sweeny, Jr., Justices.

-----X
Daniel Gorgoglione,
Plaintiff-Appellant,

-against-

M-862 & M-863
Index No. 103623/05

Amy Gillenson,
Defendant-Respondent,

Jeffrey L. Wechsler, etc.,
Defendant.

-----X

Plaintiff-appellant and defendant-respondent having moved by separate motions for reargument, and for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 15, 2008 (Appeal No. 1955) respectively,

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

It is ordered that the motions are denied.

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 13, 2008.

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

-----X
1230 Park Associates, LLC, et al.,
Plaintiffs-Appellants,

-against-

M-1740
Index No. 603329/06

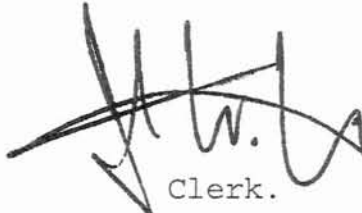
Northern Source, LLC,
Defendant-Respondent.
-----X

Defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 26, 2008 (Appeal No. 2873),

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 May 13, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
James M. McGuire, Justices.

-----X
American BankNote Corporation,
et al.,
Plaintiffs-Respondents,
-against-

M-6736
Index No. 115446/05

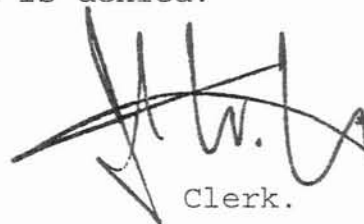
Hernan Daniel Daniele, et al.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 13, 2008 (Appeal Nos. 1202, 1202A and 1202B),

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 May 13, 2008.

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

-----X
Noemi Diaz, et al.,
Plaintiffs-Appellants,

-against-

M-1854
Index No. 17709/06

Luis Arboleda,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 8, 2008,

And defendant-respondent having moved for an order directing plaintiffs-appellants to expedite perfection of their appeal,

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

Ordered that the motion is granted to the extent of directing plaintiffs-appellants to perfect the appeal on or before July 7, 2008 for the September 2008 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the appellants within 10 days after the date of entry hereof.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 13, 2008.

Present: Hon. Peter Tom, Justice Presiding,
John T. Buckley
John W. Sweeny, Jr. Justices.
Karla Moskowitz,

-----X
Terence Brown,
Plaintiff-Respondent,

M-1969

-against-

Index No. 109918/05

Hermia Nelson,
Defendant-Appellant.
-----X

An order of this Court having been entered on March 6, 2008 (M-414), granting defendant-appellant a stay of enforcement of the order of the Supreme Court, New York County, entered on or about October 10, 2007, upon certain conditions, including the posting of an undertaking in the amount of \$150,000,

And defendant-appellant having moved for modification of the aforesaid order 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 granted to the extent of reducing the amount of the undertaking to \$50,000 and extending appellant's time in which to post said undertaking to 15 days after the date of this order. Should appellant fail to so post said undertaking, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days of the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 13, 2008.

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

-----X
565 Tenants Corp.,
Petitioner-Landlord-Respondent,

-against-

M-2267
Index No. 570166/07

Jan Adams,
Respondent-Tenant-Appellant.

-----X

An order of this Court having been entered on March 6, 2008 (M-413) granting respondent-tenant-appellant's motion for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about November 16, 2007,

And an interim order of a Justice of this Court dated January 22, 2008 having stayed the eviction provisions of the aforesaid order,

And petitioner-landlord-respondent having moved for an order conditioning the aforesaid stay of the eviction provisions of said order upon respondent-tenant-appellant's payment of all past due and current maintenance and related charges, and upon perfection of the aforesaid appeal for a term certain,

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. Respondent-tenant-appellant is directed perfect the appeal for the September 2008 Term, and respondent-tenant-appellant is directed to pay all outstanding maintenance and assessments currently owed to petitioner-landlord-respondent, exclusive of attorneys fees, within 20 days of service upon appellant of a copy of this order, and that appellant remain current on the obligations during the pendency of the aforesaid appeal. Upon failure to meet either condition, an order vacating the stay may be entered ex parte, provided that petitioner-landlord-respondent serve a copy of this order upon appellant within 10 days after 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 13, 2008.

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

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

-against-

M-547
Ind. No. 497/07

Carlos Vasquez,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about December 6, 2007,

And, defendant-appellant, having moved pro se to withdraw his appeal,

Now, upon reading and filing the papers with respect to the motion; and defendant having failed to respond to the letter having been issued by the Deputy Clerk of this Court to appellant on January 30, 2008, advising him of the consequences of withdrawing his appeal, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 13, 2008.

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

-----X
Ivan Brice,

Plaintiff-Appellant-Respondent,

-against-

M-1836
Index No. 315338/02

Giulla Maria Alimonti Brice,

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

An appeal and cross appeal having been taken from a judgment of divorce of the Supreme Court, New York County, entered on or about May 21, 2007,

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

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

It is ordered that the motion is denied and sua sponte the appeal and cross appeal 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 May 13, 2008.

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

-----X
Dean Ross,
Plaintiff-Appellant,

-against-

M-1868
Index No. 602228/06

Sam Wu,
Defendant-Respondent.

-----X

Defendant's counsel having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about February 6, 2007 (mot. seq. no. 001),

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

It is ordered that the motion is granted 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 May 13, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
Luis A. Gonzalez
John W. Sweeny, Jr., Justices.

-----X
Chuang Ying Mo,

Plaintiff-Respondent,

-against-

M-1871
Index No. 570683/05

Sylvia Liu,

Defendant-Appellant.
-----X

Defendant having renewed her motion for leave to prosecute, as a poor person, a purported appeal to this Court from the decision and order of the Appellate Term, entered in the Office of the Clerk of Supreme Court, New York County, on or about January 27, 2006,

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

It is ordered that the motion is 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 May 13, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John T. Buckley
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Adelaide Productions, Inc., and ELP
Communications,
Petitioners-Respondents,

-against-

M-1940
Index No. 114522/05


BKN International AG,
Respondent-Appellant.
-----X

Petitioners-respondents having moved for sanctions against respondent-appellant, including dismissal of the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 30, 2008,

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties dated April 28, 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 May 13, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
John T. Buckley
John W. Sweeny, Jr.
James M. McGuire, Justices.

-----X
In re James Harmon, Jr., et al.,
Petitioners-Respondents,

-against-

M-1695
Index No. 602833/06

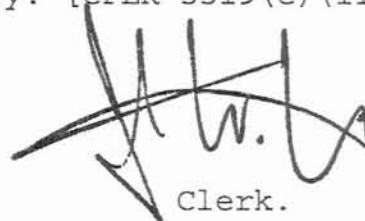
Ivy Walk Incorporated, etc., et al.,
Respondents-Appellants.
-----X

Petitioners-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 26, 2008 (Appeal Nos. 2433-2433A); and for a stay of the aforesaid decision and order of this Court, pending further appeal, and for related relief,

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

It is ordered that the motion is denied, and the application for a stay is denied as moot. The interim relief granted by an order of a Justice of this Court, dated March 26, 2008, is continued until five days after movant is served with a copy of this order with notice of entry. [CPLR 5519(e)(ii)].

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 13, 2008.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,
David Friedman
John T. Buckley
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Hallmark Capital Corporation,
Plaintiff-Appellant,

-against-

M-1935
M-2174

Adrian H. Courtenay, III, et al., Index No. 600897/01
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 8, 2005,

And plaintiff-appellant having moved for an order deeming said appeal fully submitted without opposition and striking any opposition brief that may be served and filed by respondents (M-1935),

And defendants-respondents having cross-moved for, inter alia, an order extending their time to serve and file a respondents' brief to April 28, 2008, for an adjournment of the appeal to the September 2008 Term, and other relief (M-2174),

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 plaintiff-appellant's motion is granted to the extent of deeming the appeal fully submitted without opposition and the Clerk is directed to not accept a respondents' brief (M-1935). Defendants-respondents' cross motion is denied in its entirety (M-2174).

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 13, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Milton W. Williams
James M. McGuire
Rolando T. Acosta, Justices.

-----X
James Maxfield Duhe, etc., et al.,
Plaintiffs-Appellants,

-against-

M-1323
Index No. 115241/99

Horacio Midence,
Defendant,

The New York Times, et al.
Defendants-Respondents.

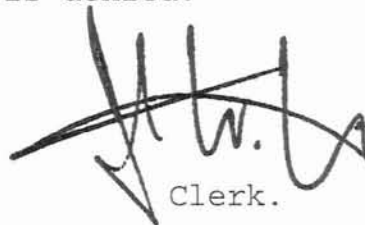
-----X

Plaintiffs having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 7, 2008 (Appeal No. 2717),

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 13, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
Kinder Morgan Energy Partners, L.P.,
SFPP, L.P.,
Plaintiffs-Respondents,

-against-

M-2013
Index No. 104217/07

Ace American Insurance Company,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of discovery pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 5, 2008 (mot. seq. no. 001),

Now, upon reading and filing the papers with respect to the motion, including the affirmations of respective counsel and the memoranda of law submitted therewith, 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 May 13, 2008.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
Barrett Japaning, Inc.,
Plaintiff-Respondent,

-against-

Anna Bialobroda,
Defendant-Appellant,

M-2090
M-2239
Index No. 102165/06

-and-

Sebastien Klotz, et al.,
Defendants.

-----X

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about October 30, 2006 and March 27, 2008, respectively,

And defendant-appellant having moved for a stay of enforcement of the eviction portion of the order entered on or about March 27, 2008 pending hearing and determination of the aforesaid appeal,

And plaintiff-respondent having cross-moved for dismissal of the appeal from the aforesaid order entered on or about October 30, 2006,

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 denied, without prejudice to plaintiff addressing the issue on the appeal.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 13, 2008.

Present: Hon. David B. Saxe, Justice Presiding,
Luis A. Gonzalez
Eugene Nardelli
James M. McGuire, Justices.

-----X
551 West Chelsea Partners, LLC.,

Plaintiff-Respondent,

M-2126

-against-

Index No. 602306/06

556 Holding LLC,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 20, 2008 (mot. seq. no. 002),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on May 13, 2008.

Present: Hon. David B. Saxe, Justice Presiding,
Luis A. Gonzalez
Eugene Nardelli
James M. McGuire, Justices.

-----X
Rita Chiusano,

Plaintiff-Respondent,

-against-

M-1916
Index No. 601819/07

John Chiusano,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 15, 2008 (mot. seq. no. 004),

And defendant-appellant having moved for a stay of all proceedings, 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 May 13, 2008.

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

-----x
Jennifer Peck Barnett,
Plaintiff-Respondent,

-against-

Craig Barnett,
Defendant.

M-1782
Index No. 350337/04

Victor Barnett,
Non-Party Appellant.
-----x

An appeal having been taken to this Court from the conditional order of contempt of the Supreme Court, New York County, entered on or about February 22, 2008 (mot. seq. no. 009),

And non-party appellant having moved, pursuant to CPLR 5519(c), for a stay of enforcement of the aforesaid order 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 May 13, 2008.

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

-----X
Sona Shah,

Plaintiff-Appellant,

-against-

M-1449
Index No. 113231/02

Wilco Systems, Inc.,

Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an order staying a referee hearing, pending hearing and determination of the appeal taken from three (3) orders of the Supreme Court, New York County, entered on or about January 31, 2008 (mot. seq. no. 023, 025 and 028),

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated March 13, 2008, is hereby vacated.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 13, 2008.

Present: Hon. Eugene Nardelli, Justice Presiding,
Milton L. Williams
John W. Sweeny, Jr.
James M. Catterson, Justices.

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

-against-

M-1647
Ind. No. 3727/05

David Diaz,
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 8, 2006, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk.

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

BEFORE: **Hon. Angela M. Mazzarelli,**
Justice of the Appellate Division

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

M-1368
Ind. No. 25/01

-against-


CERTIFICATE
DENYING LEAVE

Kasien Adderley,

Defendant.

-----X

I, Angela M. Mazzarelli, 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 (Ruth Pickholz, J.), entered on or about January 28, 2008, is hereby denied.



Justice

Dated: New York, New York
May 8, 2008

Entered: May 13, 2008