

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 November 6, 2008.

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

-----X

Accounting of the Public  
Administrator of the County of  
New York as Administrator of the

Estate of John Paul Diaz,

Deceased.

M-5012X  
File No. 1379/85

-----X

An appeal having been taken from the decree of the Surrogate's Court, New York County, entered on or about March 5, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 20, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 November 6, 2008.

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

-----X  
Russeck Fine Art Group, Inc.,  
Plaintiff,

-against-

M-5013X  
Index No. 601339/06

Theodore B. Donson, Ltd.,  
Defendant.

-----X  
Theodore B. Donson, Ltd.,  
Third-Party Plaintiff-Appellant,

-against-

Index No. 590404/07

Galerie Koller and Galerie Koller  
Zurich,  
Third-Party Defendant-Respondent.

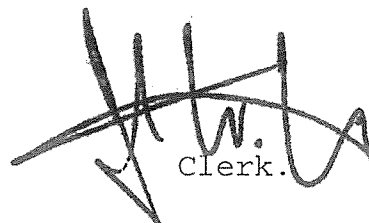
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 2, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 November 6, 2008.

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

-----X  
Bel Canto Society, Inc.,  
Plaintiff-Appellant,

-against-

M-5014X  
Index No. 602213/03

Whitehurst & Clark Book  
Fulfillment, Inc.,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 28, 2008 (mot. seq. no. 008),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 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 November 6, 2008.

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

-----X  
Altin Cupi, as Administrator of the  
Estate of Adriana Cupi, deceased,  
Henri Cupi, a minor under the age  
of 14 years, by his father and  
Natural Guardian, Altin Cupi, and  
Altin Cupi, individually,  
Plaintiffs-Respondents,

M-4958  
Index No. 8673/04

-against-

Brunilda Martinez, St. Christophers,  
Inc.,  
Defendants-Appellants,

-and-

City of New York,  
Defendant-Respondent.  
-----X

An appeal having been taken from the order and judgment of the Supreme Court, Bronx County, both entered on or about February 20, 2008,

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

It is ordered that the appeal, previously perfected for the October 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 November 6, 2008.

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

-----X  
Eugene Antongiorgi, Jr., individually,  
Samantha Ramos and Angeline Antongiorgi,  
an infant under the age of 18 years by  
her Father and Natural Guardian,  
Eugene Antongiorgi, Jr.,  
Plaintiffs-Respondents,

M-4937  
Action No. 1  
Index No. 17582/05

-against-

Golden Eagle, Inc., and Dej L.  
Delosangeles,  
Defendants-Appellant,

-----X  
Josue Velasco,  
Plaintiff-Respondent,

-against-

Dej L. Delosangeles and Golden Eagle,  
Inc.,  
Defendants-Appellants,

Action No. 2  
Index No. 24144/04

-and-

E. Antongiorgi, Jr. and Aida L. Ortiz,  
Defendants.

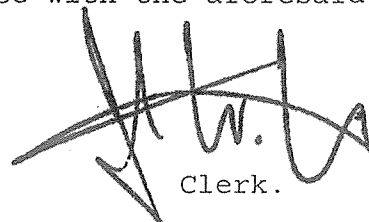
-----X

An appeal having been taken from a decision and order of the Supreme Court, Bronx County, entered on or about November 27, 2007 ,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated September 24, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 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 November 6, 2008.

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

-----X

Sandra Senzon,  
Plaintiff-Respondent,

-against-

M-4938  
Index No. 105795/07

Anjac Corp. and Ayinde J. Wedemier,  
Defendants-Appellants.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated September 16, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 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 November 6, 2008.

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

-----X  
PL Diamond LLC,  
Plaintiff-Appellant,

-against-

Becker-Paramount LLC, Paramount Diamond  
Holdings LLC, Century Paramount LLC,  
Paramount Diamond LLC, Becker-Paramount  
Century JV LLC and "John Doe LLC 1-10,"  
Defendants-Respondents

M-5002  
Index No. 602405/05

-----X  
Paramount Diamond Holdings LLC,  
Petitioner-Appellant,

-against

Index No. 602946/05

PL Diamond LLC,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 11, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated April 4, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the November 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 November 6, 2008.

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

-----X  
Orix Financial Services, Inc.,  
formerly known as Orix Credit  
Alliance, Inc.,  
Plaintiff-Appellant,

-against-

M-4879  
Index No. 601865/07

Spence Logging Company, Inc. and  
Mary L. Spence,  
Defendants,

-and-

Ted Whitfield, Jr.,  
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 9, 2008 (mot. seq. no. 001),

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

It is ordered that the appeal, previously perfected for the December 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 November 6, 2008.

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

-----X  
Abead Realty,  
Plaintiff-Appellant,

-against-

M-4550  
Index No. 600183/07

Brief Justice Carmen and Kleiman, LLP  
and Ira Kleiman, Esq.,  
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about July 31, 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 November 6, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
Milton W. Williams  
John T. Buckley  
Dianne T. Renwick, Justices.

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

-against-

M-4684  
Ind. No. 469/08

Yves Banshoshan,  
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 August 12, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101, setting forth the terms of defendant's retainer agreement with trial counsel, Lewis Alperin, Esq., as well as the amount and sources of funds for trial counsel's fee, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

Shirley E. Daniels,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-4724  
Index No. 401018/08

New York City Housing Authority,  
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about August 19, 2008 (mot. seq. no. 001), and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said 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 November 6, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

Respondent,

-against-

M-4608  
Ind. No. 4365/07

Adrian Ortiz, also known as Adnan  
Ortiz,

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 June 20, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from defendant filed October 17, 2008, and due deliberation having been had thereon,

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

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 November 6, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzairelli  
Milton W. Williams  
John T. Buckley  
Dianne T. Renwick, Justices.

-----X  
CS Plumbing Inc. and Frank S. Sabia,  
Plaintiffs-Respondents,

-against-

M-4687

Ind. No. 17361/06

Action Nissan Inc., et al.,  
Defendants,

Pinnacle Nissan, LLC, doing  
business as White Plains Nissan, etc.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about September 13, 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 February 2009 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 November 6, 2008.

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

-----X  
Kadeem Foster, an Infant Under the Age  
of 14 Years, by his Mother and Natural  
Guardian Ruby Foster Odemene and Ruby  
Foster Odemene, Individually,  
Plaintiffs-Appellants-Respondents/  
Respondents,

-against-

M-4497  
Index No. 22770/02

Alfred S. Friedman Management Corp.,  
et al.,  
Defendants-Respondents-Appellants/  
Appellants.

-----X

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about December 26, 2007; and an appeal having been taken to said Court from the order entered on or about July 15, 2008,

And plaintiff having moved for consolidation of the aforesaid appeals and cross appeal, and for an enlargement of the time of the respective parties in which to perfect same,

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 above-named parties to prosecute the appeals and cross appeal upon 10 copies of one joint record and enlarging the time in which to perfect the consolidated appeals and cross appeal to the April 2009 Term. Cross-appellants are directed to perfect their direct appeal at the time of filing their points on the cross appeal. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

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 November 6, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Bernard H. Glatzer,  
Plaintiff-Appellant,

-against-

M-4163  
Index No. 21663/04

Bear, Stearns & Co., Inc., Weisser  
Johnson & Co., L.P., Weisser Johnson  
& Co., and Frank Weisser,  
Defendants-Respondents.

-----X  
Bernard H. Glatzer,  
Plaintiff-Appellant,

-against-

Index No. 21401/05

Michael A. Cardozo - Corporation Counsel  
of the City of New York, Schindler Cohen  
& Hochman LLP, Jan C. Sturla - Director -  
Orange County Department of Child Support  
Services, The Chase Manhattan Bank, Marian  
Balay and Marlene Thomason ,  
Defendants-Respondents.

-----X

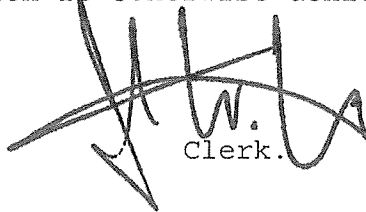
Appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about January 23, 2008 and March 21, 2008, respectively,

And plaintiff having moved for consolidation of the aforesaid appeals 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 enlarging the time in which to perfect both appeals, separately, to on or before December 8, 2008 for the February 2009 Term; if perfected, the Clerk of the Court is directed to calendar both appeals for hearing together the same day; the motion is otherwise denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

Captain Lori Alburnio, et al.,  
Plaintiffs-Respondents,

-against-

M-4667  
M-4753

The City of New York and New York  
City Police Department,

Defendants-Appellants,

Action No. 1  
Index No. 113037/03

-and-

Inspector James Hall, etc., et al.,  
Defendants.

-----X

Robert Sorrenti,  
Plaintiff-Respondent,

-against-

Action No. 2  
Index No. 126981/02

The City of New York and New York  
City Police Department,  
Defendants-Appellants,

-and-

Inspector James Hall, etc., et al.,  
Defendants.

-----X

Appeals having been taken by municipal appellants in Actions No. 1 and 2 from the consolidated order of the Supreme Court, New York County, entered on or about August 30 2007, the amended orders and judgments (one paper) of said court entered on or about November 8, 2007 and November 9, 2007, and from the second amended order and judgment (one paper) of said court entered on or about November 8, 2007, respectively,



And an order of this Court having been entered on August 12, 2008 (M-3555/M-3476), inter alia, consolidating the aforesaid appeals, enlarging the time in which to perfect the consolidated appeals to the December 2008 Term,

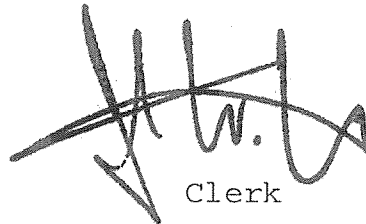
And defendants-appellants the City on New York having moved for an enlargement of time in which to perfect the consolidated appeals,

And plaintiffs-respondents having cross-moved for dismissal of the consolidated appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time to perfect the consolidated appeals to the March 2009 Term, with no further enlargements to be granted. The cross motion is granted to the extent of dismissing the consolidated appeals unless perfected for said March 2009 Term. Upon failure to so perfect, an order dismissing the consolidated appeals may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days from 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 November 6, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Allstate Insurance Company, et al.,  
Plaintiffs-Appellants,

-against-

M-4678  
Index No. 600509/03

Belt Parkway Imaging, P.C., et al.,  
Defendants-Respondents,

-and-

United States of America,  
Defendant-Intervenor.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect their appeal from a counter-order of the Supreme Court, New York County, entered on or about January 18, 2007 (mot. seq. nos. 007 and 009),

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 February 2009 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----x  
Broadway-Leonard Development, LLC,  
Plaintiff-Appellant/  
Plaintiff-Respondent-Appellant,

-against-

M-4739  
Index No. 104337/07

Albert Russo, et al.,  
Defendants-Respondents/  
Defendants-Appellants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 16, 2007 (mot. seq. no. 002); and an appeal and cross appeal having been taken from the order of said Court entered on or about January 10, 2008 (mot. seq. no. 003), respectively,

And plaintiff Broadway-Leonard Development, LLC having moved for consolidation of the aforesaid appeals and cross 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 permitting the above-named parties to prosecute the appeals and cross appeal upon 10 copies of one joint record and enlarging the time in which to perfect the consolidated appeals and cross appeal to the March 2009 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

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 November 6, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Luis A. Gonzalez  
Eugene Nardelli  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
Carmit Kaspi,  
Plaintiff-Appellant,

-against-

M-4182  
Index No. 113786/03

Fairway Operating Corp., et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about October 31, 2007,

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

It is ordered that the motion is denied.

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 November 6, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick, Justices.

-----x  
Eugenia Kaye,  
Plaintiff-Appellant, M-4767  
Action No. 1  
-against- Index No. 116572/07  
Donald Trump, et al.,  
Defendants-Respondents.

-----x  
Daniel Gonzalez,  
Plaintiff-Respondent, Action No. 2  
-against- Index No. 100596/07  
Eugenia Kaye,  
Defendant-Appellant.

-----x  
Appeals having been taken to this Court by movant Eugenia Kaye from orders of the Supreme Court New York County, entered on or about May 9, 2008 (Action No. 1) and May 8, 2008 (Action No. 2), respectively,

And appellant Kaye having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of directing the Clerk to calendar the appeals herein for hearing together in the January 2009 Term.

ENTER:   
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Milton L. Williams  
James M. Catterson  
Karla Moskowitz, Justices.

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

-against-

M-4728  
Ind. No. 6504/06

Alex Martinez,  
Defendant-Appellant.  
-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about May 9, 2007, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction 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 deeming the appeal withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Milton L. Williams  
James M. Catterson  
Karla Moskowitz, Justices.

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

-against-  
  
Victor Hidalgo,

M-4750  
Ind. No. 7572/02

Defendant-Appellant.  
-----X

Assigned counsel for defendant having moved for an order dismissing defendant's appeals taken from the judgment and judgment of resentence of the Supreme Court, New York County, rendered on or about December 17, 2004 and August 9, 2006, respectively, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction 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 deeming the appeals 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 November 6, 2008.

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

-----x  
Giselle Liberato,

Plaintiff-Respondent,

-against-

Ship-Gol Ltd., et al.,

Defendants-Appellants.  
-----x

M-4079  
M-4877  
Index No. 22810/05

An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about March 14, 2008, and said appeal having been perfected,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal (M-4079),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated October 3, 2008 (M-4877) and due deliberation having been had thereon,

It is ordered that the motions and the underlying appeal are 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 November 6, 2008.

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

-----X  
Aisha N. Hasan,  
Plaintiff-Respondent,

-against-

Muhammad Naz,  
Defendant-Appellant.

M-4915  
Index. No. 350621/04

-----  
Muhammad Naz,  
Plaintiff-Appellant,

-against-

Aisha Hasan,  
Defendant-Respondent.

-----X

Defendant/plaintiff-appellant Muhammad Naz having moved for leave to prosecute, as a poor person, the appeal from the judgment of divorce of the Supreme Court, New York County, entered on or about September 12, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for a stay of said judgment, pending hearing and determination of said 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

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 November 6, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Milton L. Williams  
James M. Catterson  
Karla Moskowitz, Justices.

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

-against-

M-4681  
Ind. No. 701/99

Raymond Denson,  
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 (James Yates, J.) entered on or about September 18, 2002, 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,

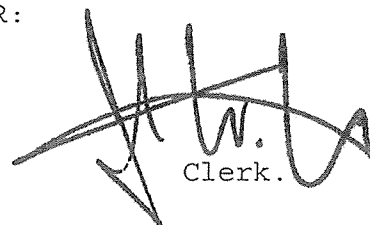
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 Yates as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

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 November 6, 2008.

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

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

-against-

M-4528  
Ind. No. 3499/88

Carlos Ortiz, also known as  
Osvaldo Otero,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about June 19, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

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

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal, which is consolidated with the appeal from the underlying judgment of said court rendered on August 1, 2007, which is adjourned to the March 2009 Term for which the counsel is directed to perfect the appeal from the judgment of resentence.

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 November 6, 2008.

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

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

-against-

Vanessa Morales,  
Defendant-Appellant.

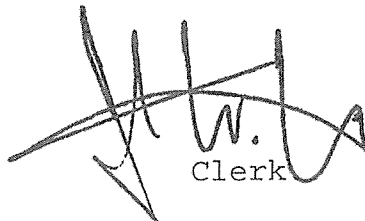
M-4517  
Ind. Nos. 5059/07  
2824/08

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Eugene Nardelli  
John W. Sweeny, Jr., Justices.

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

-against-

M-3938  
Ind. No. 6747/01

James Jenkins,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on August 4, 2005 (Appeal No. 5558), unanimously affirming a judgment of the Supreme Court, New York County (Budd Goodman, J.), rendered on March 19, 2003,

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

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

It is ordered that said application is denied.

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 November 6, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Milton L. Williams  
James M. Catterson  
Karla Moskowitz, Justices.

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

Respondent,

-against-

M-4803  
Ind. No. 4426/06

George Pineyro,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about February 22, 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 March 2009 Term.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Milton W. Williams  
James M. Catterson  
Karla Moskowitz, Justices.

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

-----  
Gregory L. C.,  
Petitioner-Appellant,  
  
-against-

M-4513  
Docket No. V7409/07

Nyree S.,  
Respondent-Respondent.


-----  
Teresa Grogan, Esq.,  
Law Guardian for the Child.

-----X  
An order of this Court having been entered on April 24, 2008 (M-187/M-478) inter alia granting petitioner leave to prosecute, as a poor person, the appeal from the judgment of the Family Court, Bronx County, entered on or about December 3, 2007, and assigning Steven N. Feinman, Esq., as counsel to prosecute the appeal; and a motion having been made by assigned counsel to be relieved and for the assignment of substitute assigned 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 petitioner's appeal and *sua sponte* the time of petitioner in which to perfect the appeal is enlarged to on or before January 5, 2009 for the March 2009 Term. The motion is otherwise denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Milton L. Williams  
James M. Catterson  
Karla Moskowitz, Justices.

-----x  
Wathne Imports, Ltd.,

Plaintiff-Appellant,

-against-

M-4580  
Index No. 603250/05

PRL USA, Inc., et al.,

Defendants-Respondents,  
-----x

Appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, entered on or about March 20, 2008, April 16, 2008 (mot. seq. no. 011) and June 13, 2008, respectively,

And plaintiff-appellant having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the appeals.

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 November 6, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Milton W. Williams  
James M. Catterson  
Karla Moskowitz Justices.

-----X  
In the Matter of the Application of  
Michael Schachter,  
Petitioner-Appellant,

-against-

M-4752  
Index No. 601646/04

Sofasa, LLC, doing business as  
DIAMCO Trading Co.,  
Respondent-Respondent.

-----X

Petitioner-appellant pro se having moved for a stay of enforcement of the judgment of the Supreme Court, New York County, entered on or about September 30, 2008, pending hearing and determination of the appeal taken therefrom.

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

It is ordered that the motion is denied.

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 November 6, 2008.

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

-----x  
Canfi USA Inc.,

Plaintiff-Respondent,

-against-

M-4584  
Index No. 602335/07

Dusica Dusica, Inc.,

Defendant-Appellant.  
-----x

Defendant-appellant having moved for a stay of proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about August 1, 2008, Index No. 602335/07 (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 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 November 6, 2008.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
John T. Buckley  
Helen E. Freedman, Justices.

-----X  
Sandra I. Torres as Administrator of  
the Estate of Antonia Maria Magoutas  
Villacis, and Sandra I. Torres,  
Plaintiff-Appellant,

-against-

M-4491  
Index No. 115828/04

Lenox Hill Hospital, Karl-Heinz  
Moehlen, M.D., Moehlen Medical P.C.,  
Jeffrey Mazlin, M.D., Vittorio Rotella,  
M.D., Armando Enrique Grassi, M.D.  
and John Doe M.D. I-X,  
Defendants-Respondents.

-----X

Appeals having been taken to this Court by plaintiff from the order and judgment of the Supreme Court, New York County, entered on or about August 20, 2007 (mot. seq. no. 004) and October 30, 2007, respectively,

And defendant-respondent Lenox Hill Hospital having moved for dismissal of the aforesaid appeals for failure to timely prosecute,

Now, upon reading and filing the papers with respect to the motion, and the correspondence of Anthony J. Genovesi, Jr., of Borchert, Genovesi & Landicino, P.C., counsel for plaintiff, dated October 10, 2008, and due deliberation having been had thereon,

It is ordered that the appeals are deemed withdrawn in accordance with the aforesaid correspondence.

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 November 6, 2008.

Present - Hon: Angela M. Mazzarelli, Justice Presiding,  
John T. Buckley  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X

Ping Lee,  
Plaintiff-Appellant,

-against-

M-3271  
M-3625  
Index No. 105228/07

City of New York, et al.,  
Defendants-Respondents.

-----X

Defendants-respondents Staples The Office Superstore East, Inc., sued herein as The Staples Corp., and Champ Williams, sued herein as Champ William, having moved for dismissal of the appeal from the orders of the Supreme Court, New York County, both entered on or about March 25, 2008 (mot. seq. nos. 006 and 007), respectively (M-3271),

And plaintiff-appellant having cross-moved for reinstatement of his complaint and for imposition of sanctions against respondent Staples (M-3625),

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

Ordered that the motion is granted to the extent of dismissing the appeal from the order of said court entered on or about March 25, 2008, which denied plaintiff's motion for reargument (mot. seq. no. 006) and that portion of the appeal is dismissed. The cross 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 November 6, 2008.

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

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

-against-

M-4484  
Ind. No. 3021/07

Daniel Leak,  
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.

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

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 November 6, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
James M. Catterson  
James M. McGuire  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

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

-against-

M-4467  
Ind. Nos. 8262/99  
2762/00

Anthony Harrison, also known as  
A. Harrison,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of a resentence of the Supreme Court, New York County, rendered on or about June 12, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
John T. Buckley  
Helen E. Freedman, Justices.

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

-against-

M-4270  
Ind. No. 4354/03

Matthew Williams,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, Bronx County, rendered on or about September 15, 2004, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before December 8, 2008 for the February 2009 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
John T. Buckley  
Helen E. Freedman, Justices.

-----X  
Carlton Long,  
Plaintiff-Respondent,

-against-

M-4826  
Index No. 120072/00

Beverly Folasade Sowande and  
Sowande & Associates, P.C.,  
Defendants-Appellants,

-and-

U-Haul Company of New York and  
Vermont, Inc., et al.  
Defendants.

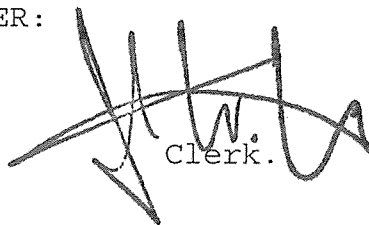
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about November 30, 2007 (mot. seq. nos. 015 and 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 enlarging the time in which to perfect the appeal to on or before December 8, 2008 for the February 2009.

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 November 6, 2008.

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

-----X  
In the Matter of

Jaffa Wally F.,

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

-----  
Episcopal Social Services,  
Petitioner-Respondent,

M-4353  
Docket No. B25128/03

Thelma Lynn W.,  
Respondent-Appellant,

Selvin F., also known as  
Selvin F., Sr.,  
Respondent-Appellant.

-----  
Neal D. Futerfas, Esq.,  
Law Guardian for the Child.

-----X

Appeals having been taken to this Court by the respective respondents from the order of the Family Court, Bronx County, entered on or about December 18, 2006,

And Ellen Winter, Esq., law guardian for the child having moved to be relieved as law guardian with respect to Jaffa Wally F. and to substitute other counsel to respond to the appeal,

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

It is ordered that the motion is granted to the extent of striking the designation of Ellen Winter, Esq. as law guardian on the appeal with respect to the child Jaffa Wally F. and substituting, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, New York 10606, Telephone No. 914-682-2171, as counsel for the child Jaffa Wally F. for purposes of responding to the appeal. The appeal is adjourned to the February 2009 Term.

E N T E R:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

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

-----X

Michael P. Brady et al.,  
Plaintiffs-Appellants,

-against-

M-3629  
Index No. 106079/04

The City of New York, 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 June 12, 2008 (Appeal No. 3935),

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 November 6, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Luis A. Gonzalez  
James M. Catterson  
Rolando T. Acosta, Justices.

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

-against-

M-4747  
Ind. No. 2475/02

Charles Woods,  
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 January 16, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

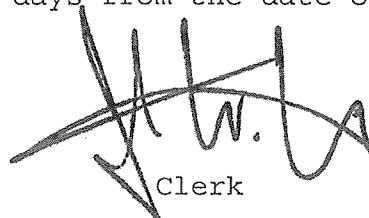
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 November 6, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Luis A. Gonzalez  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
David Santos, Yvonne Baez, as  
Administratrix of the Estate of infant  
Lizette Santos, Deceased,  
Plaintiffs-Appellants,

Santiago Santos as Administrator of the  
Estate of Myrna Santos, and Santiago  
Santos, Individually,  
Plaintiffs-Appellants,

M-4669  
Index No. 8631/03

-against-

Ford Motor Company and Action Nissan, Inc.,  
Defendant-Respondent.

-----X


Separate appeals having been taken from the judgment of the Supreme Court, Bronx County, entered on or about May 31, 2007,

And plaintiffs-appellants David Santos, et al., having moved for an enlargement of time in which to perfect 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 enlarging the time for appellants to perfect their respective appeals to the February 2009 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Luis A. Gonzalez  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
Erika Wiesel,

Plaintiff-Appellant,

-against-

310 East 46 LLC,

Defendant-Respondent.  
-----X

M-4740  
Index No. 111890/04

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 July 11, 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 February 2009 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

Present - Hon. David B. Saxe, Justice Presiding,  
James M. Catterson  
James M. McGuire  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
Violetta Khotyanova,

Plaintiff-Appellant,

-against-

M-4462  
Index No. 27130/02

New York Community Hospital & Merab  
Krikhely, M.D.,

Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, entered on or about June 18, 2008, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

Now, upon reading and filing the papers with respect to said 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 November 6, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Milberg Weiss LLP and Melvyn I. Weiss,  
Petitioners-Respondents,

-against-

M-5017  
Index No. 113416/07

Edith M. Kallas, Deborah Clark-  
Weintraub and Joseph P. Guglielmo,  
Respondents-Appellants,

Whatley Drake & Kallas LLC,  
Respondent.

-----X

Respondents-appellants having moved for a stay of all proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 2, 2008 (mot. seq. no. 001), and for a preference in the hearing thereof,

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

It is ordered that the motion is granted to the extent of staying further proceeding herein, including arbitration, on condition that the appeal is perfected on or before December 8, 2008 for the February 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that petitioners-respondents serve a copy of this order upon appellants within 10 days after the date of entry hereof (See M-5027, M-5028 and M-5029 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 November 6, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Edith M. Kallas, Deborah Clark-  
Weintraub and Joseph P. Guglielmo,  
Petitioners-Appellants,

M-5027  
Index No. 603458/07

Whatley Drake & Kallas LLC,  
Petitioner,

-against-

Milberg Weiss, LLP,  
Respondent-Respondent.

-----X

Petitioners-appellants having moved for a stay of all proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 6, 2008 (mot. seq. no. 001), and for a preference in the hearing thereof,

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

It is ordered that the motion is granted to the extent of staying further proceedings herein including arbitration on condition that the appeal is perfected on or before December 8, 2008 for the February 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent-respondent serves a copy of this order upon petitioners-appellants within 10 days after the date of entry hereof (See M-5017, M-5028 and M-5029 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 November 6, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Steven G. Schulman,  
Petitioner-Respondent,

-against-

M-5029  
Index No. 113481/07

Edith M. Kallas, Deborah Clark-  
Weintraub and Joseph P. Guglielmo,  
Respondents-Appellants,

Whatley Drake & Kallas LLC,  
Respondent.

-----X

Respondents-appellants having moved for a stay of all proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 6, 2008 (mot. seq. No. 001, and for a preference in the hearing thereof,

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

It is ordered that the motion is granted to the extent of staying further proceedings herein including arbitration on condition that the appeal is perfected on or before December 8, 2008 for the February 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that petitioner-respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof (See M-5017, M-5027 and M-5028 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 November 6, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
Karla Moskowitz  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
David J. Bershad,  
Petitioner-Respondent,

-against-

M-5028  
Index No. 603293/07

Edith M. Kallas, Deborah Clark-  
Weintraub and Joseph P. Guglielmo,  
Respondents-Appellants,

Whatley Drake & Kallas LLC,  
Respondent.

-----X

Respondents-appellants having moved for a stay of all proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 6, 2008 (mot. seq. no. 001), and for a preference in the hearing thereof,

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

It is ordered that the motion is granted to the extent of staying further proceedings herein including arbitration on condition that the appeal is perfected on or before December 8, 2008 for the February 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that petitioner-respondent serves a copy of this order upon respondents-appellants within 10 days after the date of entry hereof (See M-5017, M-5027 and M-5029 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 November 6, 2008.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,  
James M. McGuire  
Karla Moskowitz  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
A-1 Entertainment LLC,  
Plaintiff-Appellant,

-against-

M-4815  
Index No. 104271/08

27th Street Property LLC and  
27th Street Lessee LLC,  
Defendants-Respondents.

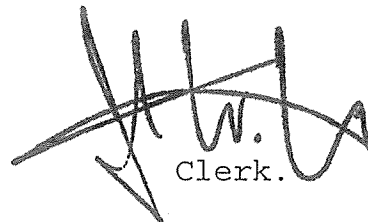
-----X

The above-named plaintiff-appellant A-1 Entertainment LLC, in connection with its appeal from an order of the Supreme Court, New York County, entered on or about August 18, 2008, having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518 staying certain proceedings in the Commercial Landlord and Tenant Part of the Civil Court of the City of New York, pending hearing and determination of the appeal taken 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 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 November 6, 2008.

PRESENT - Hon: Peter Tom, Justice Presiding,  
Richard T. Andrias  
David Friedman  
James M. Catterson  
Rolando T. Acosta, Justices.

-----X  
Isabella Ayoub,  
Plaintiff-Respondent,

-against-

M-5025  
Index No. 305392/08

Joseph Ayoub,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 2, 2008,

And defendant-appellant having moved for a reduction of certain pendente lite relief pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is denied.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

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

-----X  
Jason Ford, etc., et al.,  
Plaintiffs,

-against-

M-5186  
Index No. 13598/03

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

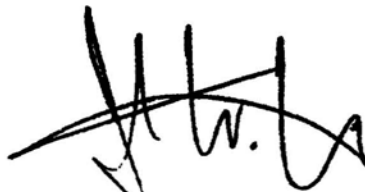
-----X  
(And a third-party action)  
-----X

Defendant Centennial Elevator Industries, Inc., having moved pursuant to CPLR 5704(a), for certain relief with respect to trial herein, said relief having been denied by a Justice of the Supreme Court, Bronx County, on October 24, 2008,

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

It is ordered that 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 November 6, 2008.

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

-----X  
Ruchama Gamiel,  
Plaintiff-Appellant,

-against-

Curtis & Riess-Curtis, P.C., et al.,  
Defendants-Respondents.

M-5072  
Index Nos. 603887/02  
590268/04

-----X  
[And a Third-Party Action]  
-----X

Plaintiff having moved, pursuant to CPLR 5704(a), for an order of this Court vacating certain relief granted to defendants by a Justice of the Supreme Court, New York County, on or about October 20, 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 stay of trial granted by the Supreme Court on October 20, 2008 is herewith vacated.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 6, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
John W. Sweeny, Jr.  
James M. Catterson  
Leland G. DeGrasse, Justices.

-----X  
Hon. Susan Larabee, et al.,  
Plaintiffs-Respondents-Appellants,

-against-

M-5089  
Index No. 112301/07

The Governor of the State of New York,  
Defendant-Respondent-Respondent,

New York State Senate, New York State  
Assembly and State of New York,  
Defendants-Appellants-Respondents.

-----  
Hon. Judith Kaye and The New York State  
Unified Court System,  
Amicus Curiae.  
-----X

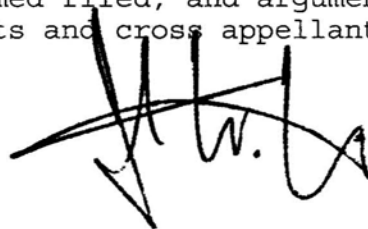
Appeals and cross appeals having been taken from the orders of the Supreme Court, New York County, entered on or about February 7, 2008 (mot. seq. no. 001) and June 11, 2008 (mot. seq. no. 002),

And Hon. Judith Kaye and The New York State Unified Court System having moved for leave to file a brief amici curiae in connection with the appeals and cross appeals in the above captioned action, and for leave to participate in argument,

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, the proposed brief amici curiae submitted with the moving papers deemed filed, and argument restricted to the issues raised by appellants and cross appellants in the instant appeal.

E N T E R:



Clerk.