

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 13, 2008.

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

-----X  
James Dawson,  
Plaintiff-Respondent,

-against-

M-5006  
Index No. 15818/07

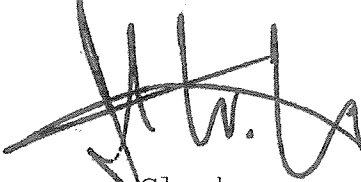
Thwaites Terrace House Owners Corp.,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, rendered on or about October 16, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated October 3, 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It is ordered that the appeal, previously perfected for the December 2008 Term, is withdrawn in accordance with the aforesaid stipulation.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 13, 2008.

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

-----X  
Judith Rubin, et al.,  
Plaintiffs,

-against-

Port Authority of New York and  
New Jersey,  
Defendant-Appellant,

M-2092  
M-2234  
Index No. 117560/03

Port Authority Trans-Hudson Corporation,  
Defendant,

Greyhound Lines, Inc.,  
Defendant-Respondent.

-----X

Defendant-respondent, Greyhound Lines Inc., having moved, by separate motions, for reargument of the decision and order of this Court entered on March 20, 2008 (Appeal No. 2633) [M-2092] and for leave to appeal to the Court of Appeals from the aforesaid decision and order [M-2234]),

Now, upon reading and filing the papers with respect to the motions, and the correspondence from Armienti De Bellis, Guglielmo & Rhoden, LLP, attorneys for movant (Vanessa M. Corchina, of counsel), dated October 23, 2008, and due deliberation having been had thereon,

It is ordered that the motions are deemed withdrawn in accordance with the aforesaid correspondence.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 13, 2008.

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

-----X  
Giovanna Denaro, as Executrix of the  
Estate of Francesco Denaro, and  
Giovanna Denaro,  
Plaintiff-Appellant,

-against-

M-4077  
Index No. 23813/02

Kamran Tabaddor, M.D.,  
Defendant,

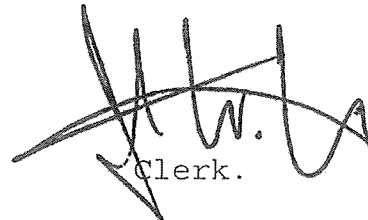
Jayshree Rajendra Patel, M.D. and  
Our Lady of Mercy Medical Center,  
Defendants-Respondents.

-----X  
Defendant, Kamran Tabaddor, M.D., having moved to  
dismiss the appeal from the order of the Supreme Court, Bronx  
County, entered on or about September 6, 2006,

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

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

E N T E R:

  
Clerk.

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

PRESENT - Hon: Jonathan Lippman, Presiding Justice,  
Angela M. Mazzarelli  
Milton L. Williams  
John T. Buckley  
Dianne T. Renwick, Justices.

-----X  
Carol Fink-Hagy,  
Plaintiff-Respondent,

-against-

M-4637  
Index No. 350259/02

Ralph Hagy,  
Defendant-Appellant.  
-----X

Defendant-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 February 6, 2007 (mot. seq. no. 017),

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

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

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 13, 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  
Mohan Laungani,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-4551  
Index No. 118804/06

-against-

Shaun Donovan, et al.,  
Respondents-Respondents.

-----X  
Respondent-respondent, East Midtown Plaza Housing Company, Inc., having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about August 9, 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 and the appeal is dismissed.

E N T E R:

  
Clerk.

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

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

-----X  
Mary Hinton,

Plaintiff-Appellant,

-against-

M-4568  
Index No. 102481/06

Cushman & Wakefield, Inc., et al.,

Defendants-Respondents.

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

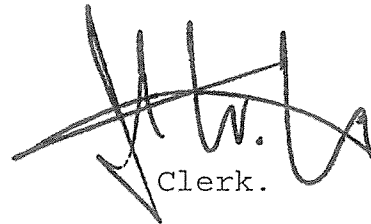
-----X

Defendant-respondent, Cushman & Wakefield, Inc., having moved to dismiss the appeal from the order of the Supreme Court, New York County, entered on or about November 20, 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 and the appeal is dismissed.

E N T E R:

  
Clerk.

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

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

-----X

Margaret R. Schorsch, et al.,

Plaintiffs-Appellants,

-against-

M-4710

Index No. 109573/05

Moses & Singer LLP,

Defendant-Respondent.

-----X

Defendant-respondent having moved to dismiss plaintiffs-appellants' appeal taken from the order of the Supreme Court, New York County, entered on or about June 20, 2008 and from the judgment of said Court entered on or about July 10, 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 to dismiss the appeal is granted unless the appeal is perfected for the February 2009 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 November 13, 2008.

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

-----X

Omar Siagha,  
Plaintiff-Respondent,

-against-

M-4377

M-4693

Index No. 603927/05

David Katz & Associates, LLP. and  
David Katz,  
Defendants-Appellants,

Keith Le Pack, Katz & Rosenblatt, LLP  
and Michael J. Rosenblatt,  
Defendants.

-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the judgment of the Supreme Court, New York County, entered on or about December 18, 2007,

And defendants-appellants having cross-moved for an enlargement of time in which to perfect the appeal,

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 unless it is perfected for the February 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that plaintiff-respondent serves a copy of this order upon defendants-appellants within 10 days from the date of entry hereof. The cross motion is granted to the extent indicated.

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 13, 2008.

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

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

-against-

M-4617  
Ind. No. 1088/01

Daniel Sparber, also known as  
Deniel Sparber,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence the Supreme Court, New York County, rendered on or about September 16, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

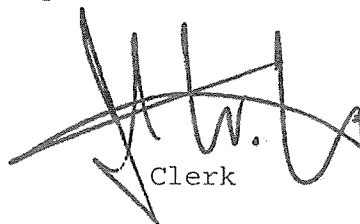
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 resentence. 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 November 13, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzarelli ..  
Milton L. Williams  
John T. Buckley  
Dianne T. Renwick, Justices.

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

-against-

M-4729  
Ind. No. 4139/06

Starlin Nunez,  
Defendant-Appellant.

-----X

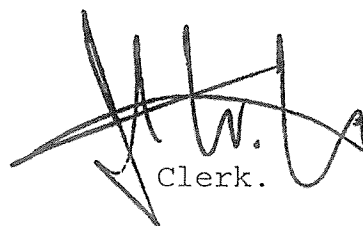
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 30, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and 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 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(a), setting forth the terms of defendant's retainer agreement with trial counsel, Kenneth Montgomery, 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 13, 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,

-against-

M-4224  
Ind. No. 651/06

David Finchum,  
Defendant.

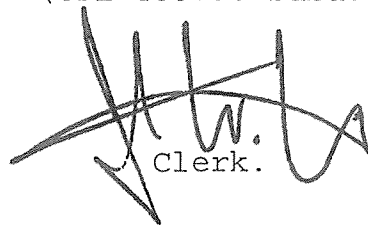
-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 15, 2006, and 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 denied. (CPL 460.30 subd. 1.)

E N T E R:

  
Clerk.

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

-against-

Aziz Shadid,

Defendant.

M-4577  
Ind. Nos. 6300/05  
2304/06  
5723/06

-----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 November 30, 2006, 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 denied (CPL 460.30 subd. 1.).

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 13, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzarelli ..  
Milton L. Williams  
John T. Buckley  
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,

-against-

M-4737  
Ind. No. 621/05

Edwin Rosario,

Defendant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about December 2, 2005, and 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 denied. (CPL 460.30 subd. 1.)

E N T E R:

  
Clerk.

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

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

-----X  
Lorilynn Fabiano, etc., et al.,  
Plaintiffs-Respondents,

-against-

M-4356  
Index No. 102715/04

Philip Morris Inc., etc., et al.,  
Defendants-Appellants,

Liggett & Myers Tobacco Company,  
et al.,  
Defendants.

-----X

Plaintiffs-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 22, 2008 (Appeal No. 3118),

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 13, 2008.

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

-----X  
Christopher Sanatass, et al.,  
Plaintiffs-Respondents,

-against-

M-4403  
Index No. 113875/01

Consolidated Investing Company, Inc. and  
Consolidated Investing Company,  
Defendants-Appellants,

Norbert Natanson, et al.,  
Defendants.

-----X  
Consolidated Investing Company, Inc. and  
Consolidated Investing,  
Third-Party Plaintiffs-Appellants,

-against-

Index No. 591423/03

Chroma Copy International, Inc.,  
et al.,  
Third-Party Defendants-Respondents.

-----X  
[and a second third-party action]  
-----X

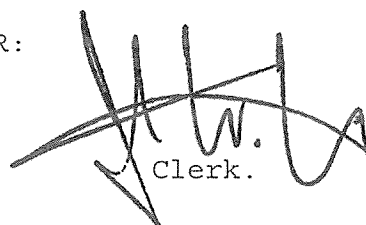
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 14, 2008 (mot. seq. no. 007),

And defendants/third-party plaintiffs-appellants, Consolidated Investing Company, Inc., et al. having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

Ordered that the motion is granted on condition appellants perfect the appeal on or before December 8, 2008 for 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 13, 2008.

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

-----X

The People of the State of New York,  
  
Respondent,

-against-

M-4748  
Ind. No. 3137/03

Francisco Martinez, also known as  
Felix Torge, also known as Felix  
Jorge, also known as Felix Munoz,

Defendant-Appellant.

-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the order of the Supreme Court, New York County, entered on or about March 19, 2008, 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 13, 2008.

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

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

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-4810  
Index No. 116535/06

The New York City Civil Service  
Commission,  
Defendant-Respondent.  
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 7, 2007 (mot. seq. no. 001),

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

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

E N T E R:

  
Clerk.

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

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

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

-against-

M-4716  
Ind. Nos. 3968/04  
90008/05

Rohan Campbell,  
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, County, rendered on or about February 27, 2008, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

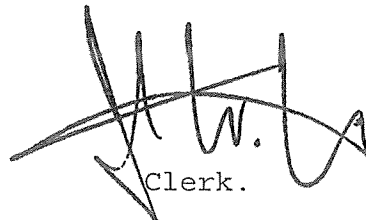
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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 13, 2008.

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

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

-against-

M-4822  
Ind. No. 6080/01

Craig Lewis,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about April 8, 2002, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

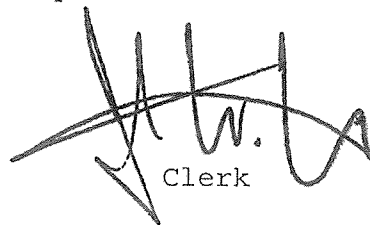
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 **resentence**. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

E N T E R:

  
Clerk

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

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

-----X

Arles Khoury, et al.,

Plaintiffs-Appellants,

-against-

M-4712

Index No. 7918/07

Katherine Khoury, etc., et al.,

Defendants-Respondents.

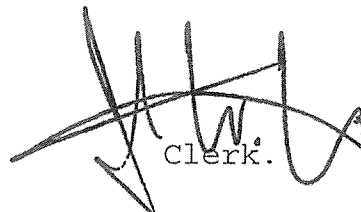
-----X

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

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

It is ordered that the motion is granted to the extent of enlarging 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 13, 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-4645  
Index No. 4545N/05

Jovanny Rodriguez,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about November 3, 2006,

And defendant-appellant having moved for an order enlarging the record on appeal to include, and releasing to appellant's counsel, the minutes of all testimony and legal instructions of the Grand Jury proceedings, and enlarging appellant's time in which to perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the record on appeal to include, and directing the People to release to appellant's counsel, Mugambi Jouet, Esq., Office of the Appellate Defender, a copy of those portions of the Grand Jury transcript as enumerated in the Order of the Supreme Court dated January 9, 2006 (Wetzel, J.), and enlarging the time in which appellant may perfect the appeal to the March 2009 Term, and 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 in the County of New York on November 13, 2008.

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

Justice Presiding,  
  
Justices.

-----X  
The People of the State of New York,  
ex rel. Barbara D.,  
Petitioner-Appellant,

M-4833

For a Writ of Habeas Corpus to  
inquire into the cause of detention  
of the infant issue Samantha Rose D.,

Index No. 109255/08

-against-

Francis D.,  
Respondent-Respondent.

-----X  
Francis D.,  
Plaintiff-Respondent,

Index No. 305701/04

-against-

Barbara D.,  
Petitioner-Appellant.

-----X

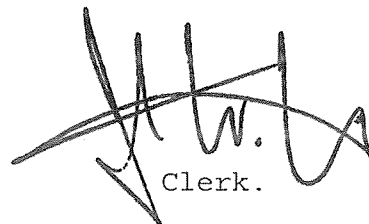
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 15, 2008,

And petitioner having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518, inter alia, allowing unsupervised visitation between petitioner and subject child, pending hearing and determination of the appeal herein,

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 13, 2008.

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

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

-against-

M-1415  
Ind. No. 297/04

Edward Bowman,  
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 3, 2006, having moved for leave to file a pro se supplemental 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 directing defendant to serve and file 10 copies of his pro se supplemental brief on or before January 5, 2009 for the March 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 13, 2008.

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

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

-against-

M-4903  
Ind. No. 11990/91

John Jackson,  
Defendant-Appellant.

-----X

An order of this Court having been entered on April 13, 2006 (M-1537) 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 January 18, 2006, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal;

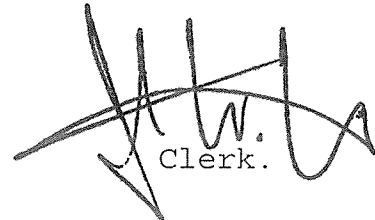
And an order of this Court having been entered August 12, 2008 (M-3156), inter alia, denying defendant's motion to relieve said counsel and other relief,

And defendant having moved for reargument of the aforesaid order of this Court entered on August 12, 2008 (M-3156),

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 13, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
John W. Sweeny, Jr.  
James M. McGuire, Justices.

-----X  
Founders Insurance Company Limited,  
Petitioner-Respondent,

-against-

M-3859  
Index No. 600523/07

Everest National Insurance Company,  
etc., et al.,  
Respondents-Appellants,

US Bank, N.A.,  
Stakeholder.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 4, 2007, which granted petitioner a preliminary injunction,

And an order of this Court having been entered on May 8, 2007 (M-1883), inter alia, granting respondents-appellants' leave to enter an ex parte order vacating the preliminary injunction should petitioner-respondent fail to post an undertaking in the amount of \$500,000,

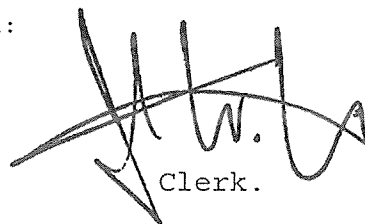
And a decision and order of this Court having been entered on June 28, 2007 (Appeal Nos. 1480N-1480NA), inter alia, unanimously reversing the aforesaid order entered on or about April 4, 2007,

And respondents-appellants having moved for an order holding petitioner-respondent and their attorneys in contempt of the order of this Court entered May 8, 2007 (M-1883), vacating the preliminary injunction based upon petitioner's failure to post the aforesaid undertaking, 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, the preliminary injunction having been vacated by the decision and order of this court entered on June 28, 2007 (Appeal Nos. 1480N-1480NA).

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 13, 2008.

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

-----x  
Crystal Biton, also known as  
Saphyre Redford,  
Plaintiff-Appellant,

-against-

M-3084  
M-3701  
Index No. 115485/06

Joe Turco, et al.,  
Defendants-Respondents.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about February 19, 2008, dismissing the complaint upon plaintiff's default

And plaintiff-appellant having moved, by separate motions, to vacate the aforesaid order of Supreme Court or for an enlargement of time in which to perfect the appeal (M-3084), and for an order discharging appellate counsel, directing the production of records and for an enlargement of time in which to perfect (M-3701),

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

It is ordered that the motion:

(M-3084): is denied, and sua sponte the appeal is dismissed, without prejudice to further proceedings in Supreme Court, and

(M-3701): is denied, as academic.

ENTER:

  
Clerk

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

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

-----x  
Danielle Biton and Crystal Biton, also  
known as Saphyre Redford, etc.,  
Plaintiffs-Appellants,

-against-

Aloft Corporate Travel, Inc., 9 North  
Moore Street Condominium, The  
Condominium Board of 9 North Moore  
Street, Condominium 9, Charles W.  
Harris, Individually, Elizabeth Harris,  
Individually and "John Doe" "1" through  
"5",

M-3498  
M-3499  
M-3500  
M-3567  
M-4235  
M-4390  
Index No. 106526/07

Defendants-Respondents.  
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 12, 2008,

And an order of this Court having been entered on August 12, 2008 (M-3087/M-3144), denying plaintiffs-appellants' motion for an enlargement of time in which to appeal, and granting defendants-respondents' cross motion and dismissing the aforesaid appeal,

And plaintiffs having moved by motion:

(M-3498): For an order enlarging the record on appeal from the order of Supreme Court entered on or about March 12, 2008,

(M-3499): For an order relieving/discharging Willmer H. Grier as counsel to plaintiffs,

(M-3500): For an order relieving/discharging Michael Rublowsky as counsel to plaintiffs,

(M-3567): For an order directing "...all the attorneys in the above matter..." to produce all evidence "relating to matters in question in this cause..." and other relief, and

(M-4235): For an enlargement of time in which to appeal from the aforesaid order of Supreme Court entered on or about March 12, 2008,

And defendants having cross moved:

(M-4390): For an order denying as moot all of plaintiffs above-enumerated motions and for the imposition of sanctions upon the plaintiffs pursuant to 22 NYCRR § 130-1.1,

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

It is ordered that the motions filed by plaintiffs (M-3498; M-3499; M-3500; M-3567 and M-4235) are deemed to be a motion for reargument of the order of this Court entered on August 12, 2008 (M-3087/M-3144) and, as such, is denied; to the extent the motions seek other relief, they are denied as moot, the purported appeal having been dismissed as untimely taken, and it is further,

Ordered that the cross motion (M-4390) is granted to the extent indicated above and plaintiffs are enjoined from filing any further motion practice in this Court with respect to this action without prior leave of this Court. To the extent the cross motion seeks sanctions, the attention of the plaintiffs is directed to the Rules of the Chief Administrator, Part 130 Costs and Sanctions and Subpart 130-1 Awards of Costs and Imposition of Financial Sanctions For Frivolous Conduct in Civil Litigation. The cross 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 13, 2008.

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

-----x  
Crystal Biton, also known as Saphyre  
Redford, and Danielle Biton,  
Plaintiffs-Appellants,

-against-

State Farm Insurance Company, Danna  
Equipment Corp., and Nine North Moore  
Street Condominium,  
Defendants-Respondents,

-and-

New York City Transit Authority and  
Stonewall Contracting, Inc.,  
Defendants-Respondents.

M-2794  
M-3083  
M-3396  
M-3400  
M-3501  
M-3502  
M-3503  
M-3565  
M-3722  
M-4553

Index No. 601732/02

-----x

Plaintiffs having taken appeals from the orders of the Supreme Court, New York County, entered on or about January 14, 2005, August 3, 2007 and February 7, 2008, respectively,

(M-2794): And Gil Amrami, Esq., successor appellate counsel to plaintiff, having moved for an enlargement of time in which to perfect the aforesaid appeal,

(M-3083): And plaintiffs-appellants having jointly moved pro se for an enlargement of time in which to perfect the appeal from the aforesaid order entered on or about August 3, 2007; an enlargement of time in which to perfect their appeals from the orders of the aforesaid court entered on or about January 14, 2005 and February 7, 2008, respectively, and summary vacatur of the aforesaid orders,

(M-3396): And Gil Amrami, Esq., successor appellate counsel for plaintiffs-appellants, having moved for leave to withdraw as appellate counsel to plaintiffs and for a stay of further proceedings for a period of time so as to allow plaintiffs to

(M-2794/M-3083/M-3396)  
(M-3400/M-3501/M-3502)  
(M-3503/M-3565/M-3722)  
(M-4553)

-2-

November 13, 2008

protect their rights on appeal,

(M-3400): And counsel for defendants New York City Transit Authority and Stonewall Contracting, Inc. having moved to dismiss, as untimely taken, the appeals from the aforesaid orders entered on or about January 14, 2005 and February 7, 2008,

(M-3501): And plaintiffs-appellants having moved to enlarge the record(s) on appeal from the order of Supreme Court, New York County, entered on or about August 3, 2007,

(M-3502): And plaintiff-appellant Crystal Biton (allegedly also known as Saphyre Redford) having moved for an order of this Court dismissing Willmer H. Grier as counsel to plaintiff-appellant,

(M-3503): And plaintiff-appellant Danielle Biton having moved for an order of this Court dismissing Gil Amrami, Esq. as counsel to plaintiff-appellant,

(M-3565): And plaintiff-appellant Crystal Biton (also known as Saphyre Redford) having moved this Court for an order directing the production of "...all evidence that is in the control of the attorneys that are related to this case..." and for an enlargement of time in which to gather such evidence,

(M-3722 & M-4553): And plaintiff-appellant Crystal Biton (also known as Saphyre Redford) having moved this Court for an order enlarging the proposed record(s) on appeal from the aforesaid orders of Supreme Court,

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

It is ordered that motion:

(M-2794): For an enlargement of time in which to perfect the appeal from the order of Supreme Court entered on or about August 3, 2007 is denied and sua sponte the appeal is dismissed.

(M-2794/M-3083/M-3396)  
(M-3400/M-3501/M-3502)  
(M-3503/M-3565/M-3722)  
(M-4553)

-3-

November 13, 2008

(M-3083): For an enlargement of time in which to perfect the aforesaid appeals and/or summary vacatur of those orders is denied.

(M-3396): For an order allowing Gil Amrami, Esq. to withdraw as appellate counsel for plaintiffs-appellants and for a stay of proceedings is granted only to the extent of allowing counsel to withdraw and otherwise denied, as moot.

(M-3400): For an order dismissing the appeals from the orders of Supreme Court, New York County, entered on or about January 14, 2005 and February 7, 2008 as untimely taken is granted and the appeals are dismissed.

(M-3501): For an order enlarging the record on appeal from the order entered on August 3, 2007 is denied.

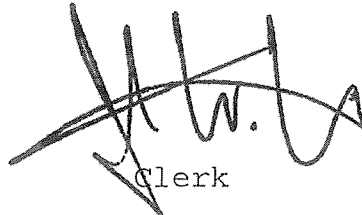
(M-3502): For an order dismissing Willmer H. Grier as counsel to plaintiffs-appellants is dismissed.

(M-3503): For an order dismissing Gil Amrami, Esq. as counsel for plaintiff-appellant Danielle Biton is denied. [see M-3396 granting counsel's motion to be relieved, decided simultaneously herewith.]

(M-3565): For an order directing production of "evidence" is denied; and

(M-3722 & M-4553): For an enlargement of the record(s) on appeal herein 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 13, 2008.

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

-----X  
Arthur Picchione,  
Plaintiff-Respondent,

-against-

M-5048  
M-5049  
Index No. 113518/04

Sweet Construction Corp. and  
Discovery Communications, Inc.,  
Defendants-Respondents-Appellants,

-and-

First Lexington Corporation and  
Rudin Management Co., Inc.,  
Defendants-Appellants.

-----X  
Sweet Construction Corp.,  
Third-Party Plaintiff,

-against-

Third-Party  
Index No. 590694/05

ARC Electric Construction Co.,  
Third-Party Defendant-Appellant.

-----X  
First Lexington Corporation and  
Rudin Management Co., Inc.,  
Second Third-Party  
Plaintiffs-Appellants,

-against-

Second Third-Party  
Index No. 591040/05

Discovery Communications, Inc.,  
Second Third-Party  
Defendant-Respondent-Appellant,

Schindler Elevator Corporation, et al.,  
Second Third-Party Defendants,

-and-

Hartford Insurance Co.,  
Second Third-Party Defendant-Appellant.

-----X



-----X  
Discovery Communications, Inc.,  
Third Third-Party Plaintiff-Appellant,

-against-

Third Third-Party  
Index No. 591106/06

ARC Electric Construction Co.,  
Third Third-Party Defendant-Appellant.

-----X  
Sweet Construction Corp.,  
Fourth Third-Party Plaintiff,

-against-

Fourth Third-Party  
Index No. 590667/06

Kemper Casualty Insurance Co.,  
Fourth Third-Party Defendant.

-----X  
First Lexington Corporation and  
Rudin Management Co., Inc.,  
Fifth Third-Party Plaintiffs-Appellants,

-against-

Fifth Third-Party  
Index No. 590436/07

Discovery New York, Inc.,  
Fifth Third-Party Defendant-Respondent-  
Appellant.

-----X

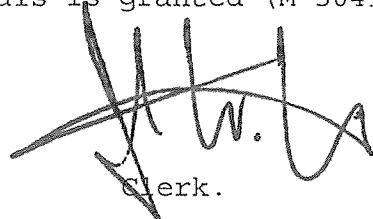
Defendant/fourth third-party plaintiff Sweet Construction Corp. and third-party/third third-party defendant ARC Electrical Construction Company, Inc. having moved for an adjournment of the appeal and cross appeals taken from the order of the Supreme Court, New York County, entered on or about July 1, 2008 (mot. seq. no. 005) (M-5048)

And defendants/second third-party/fifth third-party plaintiffs First Lexington Corporation and Rudin Management Co., Inc. having cross-moved for a stay of trial pending hearing and determination of the aforesaid appeal and cross appeals (M-5049),

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 only to the extent of the relief afforded movants by the order of a Justice of this Court, dated October 22, 2008, and the matter is adjourned to the January 2009 Term (M-5048). The cross motion to stay trial pending hearing and determination of the appeal and cross appeals is granted (M-5049).

E N T E R:

  
Clerk.

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

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

-----X  
Dominion Financial Corp.,  
Plaintiff-Respondent.

-against-

M-4682  
Index No. 600096/07

Asset Indemnity Brokerage Corp.,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 30, 2008 (mot. seq. no. 001),

And defendant-appellant having moved for a stay of all proceedings including trial, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

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 13, 2008.

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

-----X  
Blue Cross of California, Inc.,  
as subrogee of Linda Panciarelo,  
Plaintiff-Appellant,

-against-

M-4547  
Index No. 101922/06

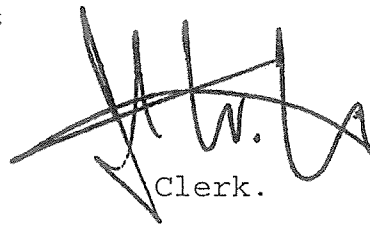
American International Underwriters  
Corporation; the Robert Plan of  
New York,  
Defendants-Respondents.

-----X  
Defendant-respondent American International Underwriters Corporation having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about October 26, 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 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 13, 2008.

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

-----X  
In the Matter of an Application for  
Custody and/or Visitation Pursuant  
to Article 6 of the Family Court Act.

Greta S.,  
Petitioner-Appellant,

-against-

M-4511  
Docket Nos. V22516/06  
V22517/06

The Administration for Children's  
Services-Bronx,  
Respondent-Respondent.

-----X  
In the Matter of an Application for  
Custody and/or Visitation Pursuant  
to Article 6 of the Family Court Act.

Greta S.,  
Petitioner-Appellant,

-against-

Docket Nos. V00837/08  
V00838/08  
V00839/08

Alex S., Leilani C. and the  
Administration for Children's  
Services,  
Respondents-Respondents.

-----X  
Leake & Watts Services and Judith  
Waksberg, Esq., the Legal Aid Society,  
Non-Party Movants.

Separate appeals having been taken to this Court by petitioner from orders of the Family Court, Bronx County, entered on or about May 7, 2007 and June 25, 2007, respectively,

And petitioner-appellant having renewed her motion for an enlargement of time in which to perfect the appeal from the order entered May 7, 2007,

It is ordered that the motion is denied and sua sponte both appeals are dismissed.

ENTER:

  
Clerk

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

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

-----X  
The People of the State of New York  
ex rel. Guido Tritto,  
Petitioner-Appellant,

-against-

M-4407  
Index No. 75066/07

Warden, et al.,  
Respondents-Respondents.

-----X

An order of this Court having been entered on October 25, 2007 (M-4853) granting defendant leave to appeal as a poor person from the order of the Supreme Court, Bronx County, entered on or about July 31, 2007, which dismissed a habeas corpus proceeding, and assigning Edith Blumberg, Esq., as counsel to prosecute the appeal,

And assigned counsel having moved for dismissal of the aforesaid appeal, upon the ground that it has been rendered academic by a subsequent order of said court entered on or about July 17, 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 as academic.

ENTER:

  
Clerk.

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

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

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

Respondent,

-against-

M-4793  
Ind. No. 1777/07

Keith Atkins,


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 July 1, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:

  
Clerk.

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

-against-

M-4496  
Ind. No. 4570/04

Henry Huggins,

Defendant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about September 23, 2004, and 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 denied. (CPL 460.30 subd. 1.)

E N T E R:

  
Clerk.



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

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

-----X

Trump Plaza Owners, Inc.,  
Plaintiff-Respondent,

-against-

M-4984  
Index No. 110351/03

Dorothea M. Weitzner,  
Defendant-Appellant.

-----X

An order of this Court having been entered on September 9, 2008 (M-4005), inter alia, dismissing appellant's appeal from the order of the Supreme Court, New York County, entered on or about May 9, 2008, without prejudice to an appeal from the final order/judgment of ejection,

And defendant-appellant having moved for a stay of enforcement from the order of the Supreme Court, New York County, entered on or about October 16, 2008 pending hearing and determination of the appeal taken therefrom; and to restore the appeal from the order of said court entered on or about May 9, 2008 which was dismissed in the prior order of this Court entered on September 9, 2008 (M-4005),

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 a stay of the order entered on or about October 16, 2008 is denied. The motion to the extent it seeks to restore the dismissed appeal from the order entered on or about May 9, 2008 is denied as unnecessary. (See M-4005, entered September 9, 2008, a copy of which is annexed hereto.)

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 9, 2008.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
John T. Buckley  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Trump Plaza Owners, Inc.,  
Plaintiff-Respondent,

-against-

M-4005  
Index No. 110351/03


Dorothea M. Weitzner,  
Defendant-Appellant,  
-----X

Plaintiff having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about May 9, 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, without prejudice to an appeal from the final order/judgment of ejection.

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 13, 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-

David Garcia,  
Defendant-Appellant.

M-4396  
M-4769  
Ind. No. 9058/95

-----x  
Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about August 8, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and related relief (M-4396),

And respondent People having cross-moved to dismiss the aforesaid appeal (M-4769),

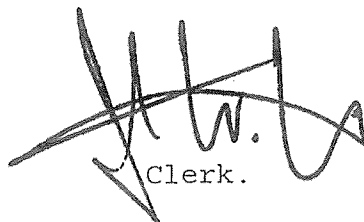
Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of 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 serve one copy of such brief upon the District Attorney of said county and file 10 reproduced copies of such brief, together with the original record, with this Court (M-4396).

The cross motion is denied with leave to address the issues on the appeal (M-4769).

(See M-4291, 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 13, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli ..  
James M. McGuire  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X

The People of the State of New York,

-against-

Carlos Garcia,

Defendant.

M-4222  
Ind. Nos. 5982/01  
5944/02

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgments of the Supreme Court, New York County, rendered on or about November 7, 2001 and January 10, 2003, respectively, and 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 denied. (CPL 460.30 subd. 1.)

E N T E R:

  
Clerk.

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

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

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

M-4291 ..  
Ind. No. 9058/95

-against-

CERTIFICATE  
GRANTING LEAVE


David Garcia,  
Defendant-Appellant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County, entered on or about August 7, 2008, which is not otherwise appealable as of right (See M-4396/M-4769 released simultaneously herewith.<sup>1</sup>

Dated: November 13, 2008  
New York, New York

Entered: November 13, 2008

  
\_\_\_\_\_  
Hon. Rolando T. Acosta  
Associate Justice

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

---

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

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 13, 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-4762  
Ind. No. 5455/07

Victor Perez,


Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about September 17, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

ENTER:

  
Clerk.

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

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

-----X  
Hannah Goldstein,  
Plaintiff,

Roberta Schreiber Ulmer,  
Plaintiff-Appellant,

-against-

M-3180  
Index No. 24388/88

Arthur I. Winard,  
Defendant-Respondent,

Marvin Rosenblatt,  
Defendant,

-and-

Joel Weissman and Esther Weissman,  
as Executors of the Estate of  
Paul Weissman, Deceased.  
Defendants.

-----X

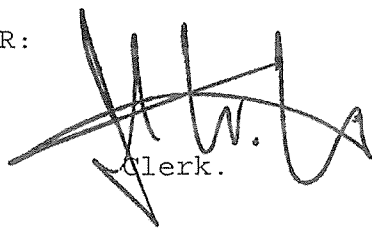
A decision and order of this Court having been entered on May 27, 2008 (Appeal Nos. 3721, 3721A and 3721B),

And plaintiff-appellant Roberta Trott, formerly known as Roberta Schreiber Ulmer, having moved for an enlargement of the record to include the Certificate of Death of defendant Paul Weissman, for substitution of the executors of the Estate, and for reargument of the aforesaid decision and order of this Court,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated April 21, 2008, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of enlarging the record and amending the caption in accordance with the aforesaid stipulation. The motion is otherwise 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 13, 2008.

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

Justice Presiding,  
  
Justices.

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

Mildred S. G.,  
Petitioner-Respondent,

M-4661  
Docket Nos. V25680-04/06H  
V26657-04/05A  
V26657-04/05B

-against-

Mark G.,  
Respondent-Appellant.

Theresa Grogan, Esq.,  
Law Guardian for the Child.

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

Mark G.,  
Petitioner-Appellant,

Docket No. V12205/08

-against-

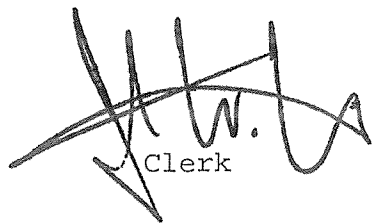
Mildred S. G.,  
Respondent-Respondent.

-----X  
Respondent/petitioner-appellant, in connection with the appeal from the orders of the Family Court, Bronx County, entered on or about August 2, 2007, September 4, 2007 and June 12, 2008, respectively, having moved for an enlargement of time in which to perfect 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 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 13, 2008.

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

-----X  
Furs by Albert and Marc Kaufman,  
Inc.,

Plaintiff,

-against-

M-4354

Index No. 392 TS 2004

Alexandrou, Ltd., et al.,  
Defendants.

-----X  
Bernstein Management Co., Inc.,  
et al.,

Third-Party Plaintiffs,

-against-

Androu, Ltd.,  
Third-Party Defendant.

-----X

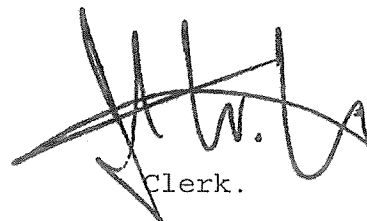
Plaintiffs having taken an appeal to the Appellate Term of the Supreme Court, New York County, from the order of the Civil Court of the City of New York, New York County, entered on or about July 10, 2008,

And defendant Alexandrou, Ltd. and third-party defendant Androu, Ltd. having jointly moved this Court for an order dismissing 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 transferred to the Appellate Term of the Supreme Court, First Judicial Department, for disposition.

ENTER:

  
Clerk.

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

BEFORE: Hon. Peter Tom  
Justice of the Appellate Division

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

M-3823  
Ind. No. 8170/94

-against-

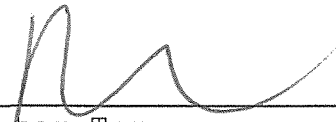
CERTIFICATE  
DENYING LEAVE

Jermaine Estwick,

Defendant.

-----X

I, Peter Tom, 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, Bronx County, entered on or about June 26, 2008 is hereby denied.

  
\_\_\_\_\_  
Hon. Peter Tom  
Associate Justice

Dated: October 31, 2008  
New York, New York

Entered: November 13, 2008

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

BEFORE: Hon. Peter Tom  
Justice of the Appellate Division

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

M-3460  
Ind. No. 3660/94

-against-

CERTIFICATE  
DENYING LEAVE

Wesley Davis,

Defendant.  
-----X

I, Peter Tom, 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, entered on or about May 21, 2008 is hereby denied.

  
\_\_\_\_\_  
Hon. Peter Tom  
Associate Justice

Dated: October 31, 2008  
New York, New York

Entered: November 13, 2008

STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. Richard T. Andrias  
Justice of the Appellate Division

-----X  
The People of the State of New York, M-4465  
Respondent, Ind. No. 4081/06

-against-

Michael Argentieri, ORDER DENYING ROR OR  
Defendant - Appellant. BAIL PENDING APPEAL  
-----X

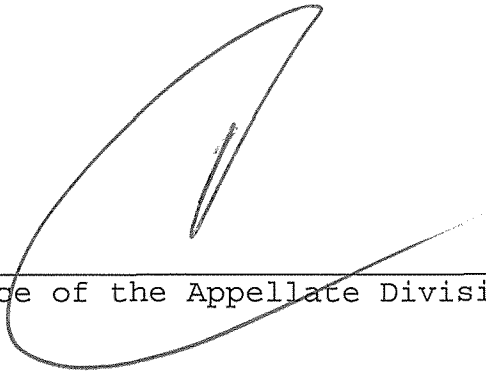
An appeal having been taken to this Court by the above-named defendant from the judgment of the Supreme Court, New York County, (Carol Berkman, J.), rendered on or about July 19, 2007, and defendant having moved, pursuant to CPL 460.50 and 530.50 for an order of recognizance or to be admitted to bail pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers filed in support of said motion, and further papers filed in relation thereto; and due deliberation having been had thereon,

It is ordered that the motion be and the same hereby is denied.

Dated: November 5, 2005  
New York, New York

ENTERED: November 13, 2008

  
Justice of the Appellate Division

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

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

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

M-1279  
Ind. No. 5326/95

-against-

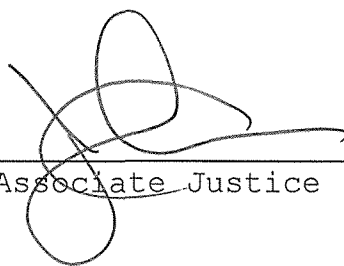
CERTIFICATE  
DENYING  
RECONSIDERATION

Michael Kearse

Defendant.

-----X

I, James M. Catterson, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument of the denial of an application for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, and there being no question of law or fact overlooked, defendant's application for reargument of the denial of his application for permission to appeal from the order of the Supreme Court, New York County, entered on or about December 5, 2007, is hereby denied.

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

Dated: October 27, 2008  
New York, New York

ENTERED: November 13, 2008

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

BEFORE: Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

-against-

Ronald Hudson,

Defendant.

-----X

M-4556

Ind. No. 2833N/08

ORDER DENYING BAIL

An order of a Justice of Supreme Court, New York County,  
having been entered on or about July 3, 2008, denying and dismissing  
defendant's petition for a writ of habeas corpus,


And defendant having moved this Court, pursuant to CPL 460.50  
and 530.50, for an order of recognizance or to be admitted to bail,

Now, upon reading and filing the notice of motion, with proof  
of due service thereof, and the papers filed in support of said  
motion, and further papers filed in relation thereto; and due  
deliberation having been had thereon,

It is ordered that the motion be and the same hereby is  
denied.

Dated: November 7, 2008  
New York, New York

Entered: November 13, 2008

  
\_\_\_\_\_  
Hon. Dianne T. Renwick  
Justice of the Appellate Division

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

BEFORE: Dianne T. Renwick  
Associate Justice of the Appellate Division

-----X

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

Cornisa L. C.,  
Petitioner - Respondent,

M-3076  
Docket No. V9387-06/07A

-against-

Elnora Syrena W.-S.,  
Respondent - Appellant.


-----X

Respondent having moved for an order vacating or staying the Order of Custody of the Family Court, New York County, entered on or about June 5, 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.

Dated: October 28, 2008  
New York, New York

  
Dianne T. Renwick  
Associate Justice

Entered: November 13, 2008

Entered:

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 13, 2008.

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

-----X  
Miriam Chan, et al.,  
Plaintiffs-Appellants,

-against-

M-4914  
Index No. 106692/05

Shew Foo Chin, et al.,  
Defendants-Respondents.

-----X


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

And plaintiffs-appellants having moved for an order in the nature of a preliminary appellate injunction pursuant to CPLR 5518, inter alia, enjoining defendants-respondents from the sale or encumbrance of the property in question or vacatur of the lis pendens thereon pending hearing and determination of the appeal taken from the aforesaid judgment,

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

Ordered that the motion is granted on condition the appeal is perfected for the March 2009 Term, and upon further condition that plaintiffs-appellants waive interest on the judgment against defendants-respondents, for the month of October 2008 and until determination of the appeal, in writing within 10 days of the date of entry hereof. Upon failure to comply with the waiver of interest condition of the aforesaid stay defendants-respondents may move on notice to vacate said stay. Upon failure to so perfect the appeal, an order vacating the stay may be entered ex parte, provided defendants-respondents serve a copy of this order upon plaintiffs-appellants 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 in the County of New York on November 13, 2008.

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

-----X  
Citibank, N.A.,  
Plaintiff-Respondent,

-against-

M-5074  
Index No. 600148/98

John M. McNamara,  
Defendant-Appellant,

-and-

Angst, Inc., et al.,  
Defendants.

-----X

Defendant-appellant having moved for a stay of enforcement of the order and judgment of Contempt and Commitment (one paper) of the Supreme Court, New York County, entered on or about February 8, 2008 and the order of Arrest of said Court entered on or about April 23, 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 13, 2008.

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

-----X  
Empire State Fuel Corp.,  
Plaintiff-Appellant,

-against-

M-5273  
Index No. 601266/06

Warbasse-Cogeneration Technologies  
Partnership, L.P.,  
Defendant,

-and-

Amalgamated Warbasse Houses, Inc.  
Defendant-Respondent.

-----X

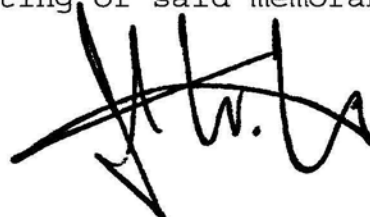
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about February 19, 2008,

And plaintiff-appellant having moved for leave to file a supplemental record to include plaintiff's memoranda of law submitted in the trial court dated June 29, 2007 and 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 directing plaintiff-appellant to serve and file 10 copies of a supplemental record on appeal consisting of said memoranda forthwith.

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 13, 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-5182  
Index No. 112301/07

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

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

- - - - -  
Michael Diederich, Jr. and The Association  
for Advancement of Judicial Integrity,  
Proposed 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 Michael Diederich, Jr. and The Association for Advancement of Judicial Integrity 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 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 13, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzarelli  
Richard T. Andrias  
John T. Buckley  
John W. Sweeny, Jr., Justices.

-----X  
Miguel Pimentel, an infant by his  
mother and natural guardian,  
Santa Reyes, et al.,  
Plaintiffs,

-against-

M-3665  
Index No. 26624/02

Leoncio DeJesus,  
Defendant-Appellant-Respondent,

Elizabeth Cahill,  
Defendant,

Chase Manhattan Auto Finance Corp.,  
Defendant-Respondent-Appellant.

-----X

Defendant Leoncio DeJesus having moved for reargument of the decision and order of this Court entered on July 1, 2008 (Appeal No. 2289),

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 without prejudice to the motion to modify infant's compromise order presently sub judice in Supreme Court.

ENTER:

  
Clerk.