

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 18, 2008.

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

-----X
In the Matter of

Alexandria S.,

A Person Alleged to Be a Juvenile
Delinquent,

M-5032

Docket No. D8343/07

Respondent-Appellant.
-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about October 2, 2007,

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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 18, 2008.

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

-----X
Marianne Fiorentino,
Plaintiff-Respondent,

-against-

M-5097X
Index No. 22606/04

Southbury Operating Partners,
LLC, et al.,
Defendants-Appellants,

W.F. Anderson, L.L.C., et al.,
Defendants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 26, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 22, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 18, 2008.

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

-----X
Rochelle Bengis,
Plaintiff-Respondent,

-against-

M-5099X
Index No. 309365/07

Arnold Bengis,
Defendant-Appellant,

Duane Road, Inc.,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 2, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 22, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 18, 2008.

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

-----X
Peter Kleidman,
Plaintiff-Appellant,

-against-

M-5184
Index No. 604074/07

Janna Robinson, Bradley Eisenstein,
Maximus Advisory, LLC and Janna
Rachelle, Inc.,
Defendants-Respondents.

-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated October 24, 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 18, 2008.

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

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

-against-

M-5036
Ind. No. 5847/06

Abdoulaye Balde, also known as
Balde Abdoulaye,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 8, 2007,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2008.

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

-----X

Ana O'Brien,
Plaintiff-Appellant,

-against-

M-5020
Index No. 20933/03

Roberto Amaro, Avet Coach Corp.,
Lutfor Rahman and Sajeda Molla,
Defendants-Respondents,

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 5, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated October 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 18, 2008.

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

-----X
Michael Ohle,

Plaintiff-Appellant-Respondent,

-against-

M-4636

Index No. 110218/04

New York City Transit Authority,
et al.,

Defendants-Respondents-Appellants.
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 13, 2007 (mot. seq. no. 005),

Now, upon reading and filing the stipulation of the parties hereto, filed September 25, 2008, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal, previously perfected for the November 2008 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2008.

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

-----X
Ari Kramer, as Administrator of
the Estate of Irving T. Bush
and as Executor of the Estate of
Virginia Casey Bush,
Plaintiff-Respondent,

-against-

M-5039
Index No. 101978/05

Ioannis Danalis,
Defendant-Appellant.

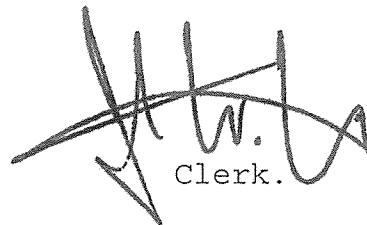
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 28, 2008 (mot. seq. nos. 014 and 015),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated October 8, 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 18, 2008.

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

-----X
William O'Keefe and Marie O'Keefe,
Plaintiffs-Appellants,

-against-

M-5088
Index No. 15622/05

The City of New York,
Defendant-Respondent.

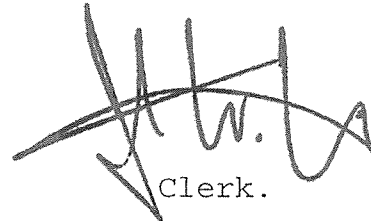
-----X

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

Now, upon reading and filing the stipulation of the parties hereto, dated October 21, 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, the underlying action having been settled.

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 18, 2008.

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

-----X
Debra Dixon,
Plaintiff-Appellant,

-against-

M-4668
M-4690
Index No. 16961/04

Nohu Aruna, Awudu Usman, Angela L.
Long and John D. Pucino,
Defendants-Respondents.

-----X

Defendants-respondents Aruna and Usman having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about October 22, 2007 (M-4668),

And defendants-respondents Long and Pucino having cross moved for same relief (M-4690),

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 and cross motion are 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 18, 2008..

Present: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Arthur Morrison,
Plaintiff-Appellant,

-against-

M-4422
Index No. 404055/02

Thomas F.X. Dunn,
Defendant-Respondent.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 14, 2006,

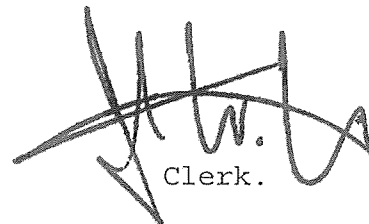
And an order of this Court having been entered on April 3, 2008 (M-1135) (corrected order July 22, 2008), granting plaintiff-appellant's motion to the extent of enlarging the time in which to perfect the appeal to the September 2008 Term,

And plaintiff-appellant having moved for reargument of the aforesaid order (M-1135),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2008.

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

-----X
Charles DeMartino,
Plaintiff-Appellant,

-against-

M-4688
Index No. 105836/01

Metropolitan Life Insurance
Company, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 29, 2007 (mot. seq. no. 004),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 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 a Proceeding Under Article 6 of the Family Court Act.

M-4583

Tonya A.,
Petitioner-Respondent,

Docket Nos. V19696/02
V19696/02/02A
V19696/02/02B
V19696/02/05C
V19696/02/05D

-against-

Hal H., also known as Hal H. H.,
Respondent-Appellant.

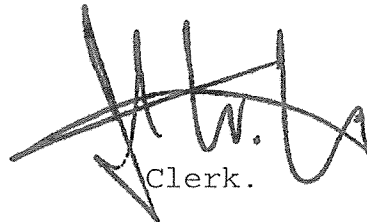
-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the orders of the Family Court, Bronx County, both entered on or about December 31, 2007, and for consolidation of said appeal 'with any/all appeals' from 'any/all supplemental dockets' in this matter, 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 enlarging the time in which to perfect the appeal from the orders entered on or about December 31, 2007 to the March 2009 Term, with no further enlargements to be granted. The motion to the extent it seeks any consolidation of purported appeals herein is denied. (See M-4583A, decided simultaneously herewith.)

E N T E R:


Clerk.

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

BEFORE: Hon. David Friedman
Justice of the Appellate Division

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

Tonya A.,
Petitioner-Respondent,

-against-

Hal H., also known as Hal H. H.,
Respondent-Appellant.
-----X

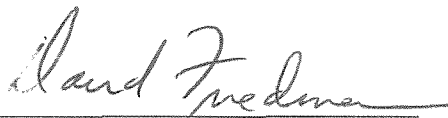
M-4583A
Docket Nos. V19696/02
V19696/02/02A
V19696/02/05B
V19696/02/05C
V19696/02/05D

Respondent-appellant having moved for a stay of the orders of the Family Court, Bronx County, both entered on or about December 31, 2007, pending hearing and determination of the appeal taken therefrom,

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

Ordered that the motion is denied. (See M-4583, decided simultaneously herewith).

Dated: New York, New York
October 27, 2008


David Friedman
Associate Justice

Entered: **NOV 18 2008**

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2008.

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

-----X
Willie Kathryn Suggs,
Plaintiff-Appellant-Respondent,

-against-

M-4394
Index No. 102320/02

FG&B Realty Corp., et al.,
Defendants,

Teresa Sokolowsky, as Administratrix
of the Estate of Frank Sokoloff,
Defendant-Respondent-Appellant,

Mortgage Electronic Registration
Systems, Inc., acting solely as
nominee for Countrywide Home
Loans, Inc.,
Defendant-Respondent-Appellant.

-----X

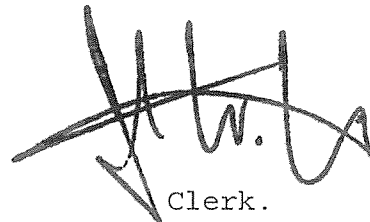
An appeal and two cross appeals having been taken from the order of the Supreme Court, New York County, entered on or about December 28, 2007 (mot. seq. nos. 016, 017, 018 and 019),

And plaintiff-appellant-respondent having moved for an enlargement of time of the respective parties in which to perfect the aforesaid appeal and cross 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 enlarging the time in which to perfect the appeal and cross appeals to the June 2009 Term. The attention of the parties is directed to Rule 600.11(d) of this Court 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 18, 2008.

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

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

-against-

M-4895
Ind. No. 4670/07

Samuel Pope,
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2008.

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

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

-against-

M-4896
Ind. No. 5663/06

Manuel Vasquez,
Defendant-Appellant.

-----X

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

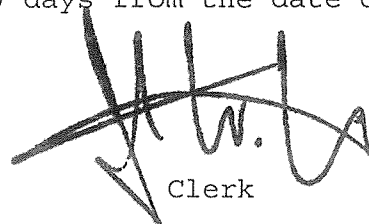
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2008.

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

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

-against-

M-4897
Ind. No. 4572/07

Jerry Williams,
Defendant-Appellant.

-----X

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

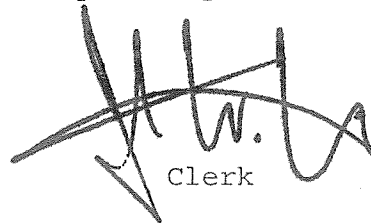
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, 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 18, 2008.

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

-----X
Briarpatch Limited, L.P. and
Gerard F. Rubin,
Plaintiffs-Appellants,

-against-

M-4662
Index No. 603364/01

Briarpatch Film Corp., et al.,
Defendants-Respondents.
-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about June 18, 2008 (mot. seq. no. 029) and from the order of said Court entered on or about September 12, 2008 (mot. seq. no 032),

And plaintiffs-appellants having moved for a stay of discovery pending hearing and determination of the aforesaid appeals, 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. All further proceedings herein are stayed as is close of discovery pending hearing and determination of the appeals. Sua sponte, the appeals, which are consolidated, are deemed to include an appeal from the discovery cut-off order entered on or about September 12, 2008 (mot. seq. no. 031). Appellants are directed to perfect the consolidated appeals upon 10 copies of one record and of one set of appellants' points covering the consolidated appeals for the March 2009 Term. 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 in the County of New York on November 18, 2008.

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

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

Linda D.,
Petitioner-Appellant,

-against-

Darcy D.,
Respondent-Respondent.

M-3659
Docket Nos. V-1271/08/08A
V-1271/08/08B
V-15972/07/07A
V-15972/07/08B

-----X
Petitioner-appellant having moved for a stay of proceedings pending hearing and determination of the appeal taken from the order of the Family Court, New York County, entered on or about July 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 18, 2008.

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

-----X
In the Matter of an Order Pursuant to
22 NYCRR § 1200.46(f) Authorizing
Disbursement of Missing Client Funds to M-3973
the Lawyers' Fund for Client Protection,

Building Service 32B-J
Legal Services Fund,
Applicant.
-----X

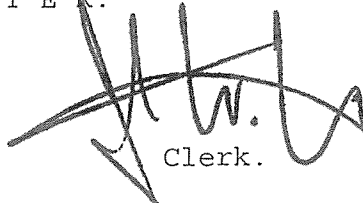
The Offices of Newman & Greenberg and the Office of Michael S. Ross having moved this Court on August 25, 2008, for an order pursuant to Professional Disciplinary Rules 22 NYCRR § 1200.46(f) [DR 9-102] authorizing the Legal Services Fund of Building Service 32B-J to disburse to the Lawyers' Fund for Client Protection (LFCP) missing client funds of 128 clients, and for related relief,

And the Office of Lawyers' Fund for Client Protection (Timothy O'Sullivan) having submitted correspondence, dated August 28, 2008, indicating that the Fund has no objection to the relief sought by movant,

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

Ordered that the motion is granted to the extent of authorizing the Legal Services Fund of Building Service 32B-J to disburse to the Lawyers' Fund for Client Protection \$9,028.47 in missing client funds presently in its possession. The motion to the extent it seeks provision for future annual disbursement of funds is denied, without prejudice to a further application.

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 18, 2008.

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

-----X
In the Matter of

Iqbal Singh,
Plaintiff-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4340
Index No. 1185/06

City of New York Housing Preservation
and Development,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, Bronx County, entered on or about August 5, 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 said 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 serve one copy of such brief upon the attorney for respondent and file ten copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and 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 18, 2008.

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

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

Stephen Luis F., also known as M-4865
Stefan F.; Jennie Alexie F., Docket Nos. B4505/05
also known as Jennie F.; B4506/05
Frances Diana F., also known as B4507/05
Frances F., also known as
Diana F.,

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

- - - - -
The Children's Aid Society,
Petitioner-Respondent,

Frances Mary F.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq., Juvenile Rights
Division,
Law Guardian for the Children.

-----X

An appeal having been taken to this Court by respondent Frances Mary F. from the orders of the Family Court, New York County, entered on or about October 30, 2007,

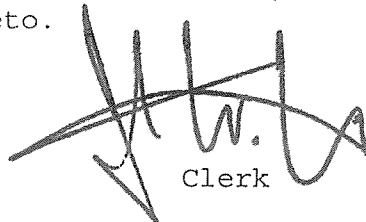
And an order of this Court having been entered October 23, 2008 (M-4228) dismissing the aforesaid appeal,

And, respondent-appellant having moved for poor person 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 denied as academic the appeal having been dismissed by order entered October 23, 2008 (M-4228), a copy of which is annexed hereto.

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 October 23, 2008.

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

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

Stephen Luis F., also known as M-4228
Stefan F.; Jennie Alexie F., Docket Nos. B4505/05
also known as Jennie F.; B4506/05
Frances Diana F., also known as B4507/05
Frances F., also known as
Diana F.,

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

- - - - -
The Children's Aid Society,
Petitioner-Respondent,

Frances Mary F.,
Respondent-Appellant.
- - - - -

Steven Banks, Esq., Juvenile Rights
Division,
Law Guardian for the Children.

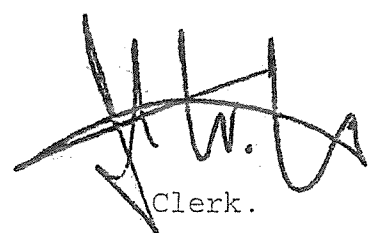
-----X

Petitioner-respondent having moved for dismissal of the appeal taken from orders of the Family Court, New York County, entered on or about October 30, 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 18, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
John W. Sweeny, Jr.
James M. McGuire, Justices.

-----X
Richard J. McAllan,

Petitioner-Appellant,

For a Judgment, etc.,

M-4912

-against-

Index No. 115411/05

Michael R. Bloomberg, etc.,
et al.,

Respondents-Respondents.

-----X

Petitioner having moved for an enlargement of time in which to perfect the appeal from orders of the Supreme Court, New York County, August 11, 2006 (mot. seq. no. 001) and September 18, 2007 (mot. seq. no. 002), respectively, and to direct the Clerk of the Supreme Court to accept for filing the two notices of entry of the aforesaid orders,

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, appellant's time in which to perfect the appeal is enlarged to the February 2009 Term, the notice of appeal is deemed timely filed and appellant is directed to file the aforesaid notices of entry with the Clerk of the Supreme Court, New York County.

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 18, 2008.

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

-----X
Debra Mandracchia-Scott, as
Administratrix of the Estate
of Craig B. Scott, Deceased,
Plaintiff-Respondent,

-against-

M-4784
Index No. 8037/07

170 East End Avenue, LLC, Plaza
Construction, Inc.,
Defendants-Appellants,

-and-

New York Crane & Equipment Corp.,
and Bay Crane Service Inc.,
Defendants-Respondents.

-----X
170 East End Avenue, LLC, Plaza
Construction, Inc.,
Third-Party Plaintiffs-Appellants,

-against-

Third Party
Index No. 83805/08

The City of New York, The New York
City Fire Department, EMT John Doe #1,
EMT John Doe #2, EMT John Doe #3 and
EMT John Doe #4,
Third-Party Defendants-Respondents,
-----X

-----X

170 East End Avenue, LLC, Plaza
Construction, Inc.,
Second Third-Party
Plaintiffs-Appellants,

-against-

Second Third-Party
Index No. 83850/08

Lenox Hill Hospital,
Second Third-Party
Defendant-Respondent.

-----X

Defendants/third-party plaintiffs/second third-party
plaintiffs-appellants 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 January 7, 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 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 18, 2008.

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

-----X
Maria Diakrousis,
Plaintiff,

-against-

Peter Maganga, Universal Am-Can,
Ltd., Connect Specialized Transport
Inc., Jorge Soto, Grocery Haulers,
Inc., C & S Wholesale Grocers, Inc.,
The City of New York and Salem
Truck Leasing, Inc.,
Defendants,

M-4635
Index No. 118232/03

-and-

Finkelstein & Partners, LLP.,
Non-Party Appellant-Respondent.

Trief & Olk,
Non-Party Respondent-Appellant.

-----X

Non-party appellant-respondent Finkelstein & Partners, LLP., and non-party respondent-appellant Trief & Olk having moved for an enlargement of time of the parties in which to perfect the appeal and cross appeal from an order of the Supreme Court, New York County, entered on or about July 27, 2007 (mot. seq. no. 012),

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 and cross appeal to on or before December 8, 2008 for 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 18, 2008.

Present - Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
Milton L. Williams
James M. McGuire
Karla Moskowitz, Justices.

-----X

Arts4All, Ltd., et al.,
Plaintiffs-Respondents-Appellants,

-against-

Judith L. Hancock,
Defendant-Appellant-Respondent.

- - - -

Judith L. Hancock
Counterclaim Plaintiff-Appellant-
Respondent,

M-4711
Index No. 101123/03

-against-

Daniel YC Ng, et al.,
Additional Defendants on the
Counterclaims,

Peter Osgood,
Additional Defendant on the
Counterclaims-Respondent-Appellant.

-----X

Plaintiff-appellant Arts4All, Ltd. 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 August 26, 2008 (Appeal No. 2800 [M-120]),

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 that it seeks reargument, is denied. To the extent that the motion seeks leave to appeal to the Court of Appeals, the motion is granted and this Court, pursuant to CPLR 5713, certifies that the

following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought be reviewed by the Court of Appeals:

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

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

E N T E R:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2008.

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

-----X
Jose Borges,
Plaintiff-Appellant,

-against-

M-4464

Index No. 570722/06

Entra America, Inc., et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about January 29, 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.

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 18, 2008.

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

-----X
Gemini's Lounge and Restaurant, Inc.,
Petitioner,

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

M-4469
Index No. 109161/07

-against-

New York State Liquor Authority,
et al.,
Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 25, 2007 (mot. seq. no. 001), to review the determination of respondents,

And an order of this Court having been entered on October 11, 2007 (M-3388) staying further administrative procedures pending hearing and determination of the aforesaid Article 78 proceeding on condition petitioner perfect within 90 days of service of the order of transfer entered on or about October 25, 2007,

And respondents having moved to vacate the injunctive relief granted by the aforesaid order (M-3388) and for dismissal of said proceeding,

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 granted, the injunctive relief granted by order of this Court entered October 11, 2007 (M-3388) is vacated, and the proceeding is dismissed.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 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-4466
Ind. No. 4904/04

John P. August,
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 18, 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,

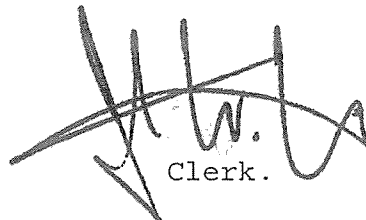
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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

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 18, 2008.

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

-----X
Gleam Realty, Inc.,
Plaintiff,

-against-

M-4569
Index No. 103261/04

Tommy's Realty, Inc.,
Defendant.

Tracee Davis, Esq.,
Petitioner,

-against-

Index No. 601494/07

Alan Mickens,
Defendant.

-----X

Purported appeals having been taken by non-party Alan Mickens, ostensibly on behalf of defendant, Tommy's Realty, Inc., from orders of the Supreme Court, New York County, entered on or about October 29, 2007 and April 1, 2008 (Index No. 103261/04), respectively, and Alan Mickens having taken an appeal from the order of said Court, entered on or about May 22, 2007 (Index No. 601494/07),

And Alan Mickens having moved for vacatur of the aforesaid orders of Supreme Court, New York County, or, in the alternative, for leave to prosecute the aforesaid appeals as a poor person, and for an enlargement of time in which to perfect said 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, to the extent it seeks to vacate the orders of the Supreme Court, New York County, entered on October 29, 2007 and April 1, 2008 (Index No. 103261/04), is deemed a motion for CPLR 5704(a) relief and, as such, is denied. So much of the motion which seeks relief from the order entered May 22, 2007 (Index No. 601494/07) is denied as academic, the appeal from said order having been dismissed by order of this Court entered on May 29, 2008 (M-2055) and reargument thereof having been denied by the order of this Court entered on August 19, 2008 (M-3222) copies of which are annexed hereto. The attention of the movant is directed to the Rules of the Chief Administrator, Part 130 Costs and Sanctions Subpart 130-1 Awards of Costs and Imposition of Financial Sanction for Frivolous Conduct in Civil Litigation.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 29, 2008. . .

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

-----X
Tracee Davis, Esq.,
Plaintiff-Respondent,

-against-

M-2055
Index No. 601494/07

Alan Mickens,
Defendant-Appellant.

-----X

Defendant-appellant 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 May 22, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for other relief,

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

It is ordered that the motion is denied and, sua sponte, the appeal 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 August 19, 2008.

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

-----X
Tracee Davis, Esq.,

Plaintiff-Respondent,

-against-

M-3222
Index No. 601494/07

Alan Mickens,

Defendant-Appellant.
-----X

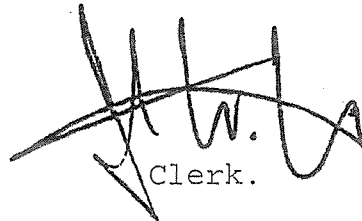
An order of this Court having been entered on May 29, 2008 (M-2055), denying defendant's motion for poor person relief and an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about May 22, 2007,

And defendant having moved for reargument of the aforesaid order of this Court entered on May 29, 2008 (M-2055),

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 18, 2008.

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

-----X
In the Matter of the Application of
New York City Pedicab Owners'
Association, Inc., et al.,
Petitioners-Respondents,

For a Judgment under Article 78
of the CPLR,

M-5058
Index No. 112671/07

-against-

New York City Department of Consumer
Affairs, et al.,
Respondents-Appellants.

-----X
United Pedicab Business Alliance, Inc.,
Amicus Curiae.
-----X

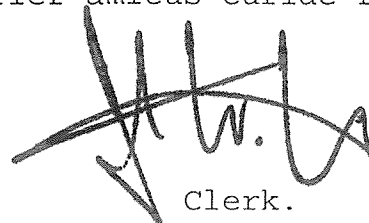
An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about January 22, 2008, and said appeal having been perfected,

And United Pedicab Business Alliance, Inc. having moved for leave to file a brief amicus curiae in connection with 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 and movant is directed to file 10 copies of the brief amicus curiae 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 18, 2008.

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

-----x
Yoda, LLC, et al.,
Plaintiffs-Respondents,

-against-

M-4906
Index No. 115498/06

National Union Fire Insurance Company
of Pittsburgh, PA,
Defendant-Appellant,

Han Soo Lee, et al.,
Defendants.

-----x

An appeal having been taken to this Court from orders of the Supreme Court, New York County, entered on or about September 15, 2008 (mot. seq. no. 005) September 16, 2008 (mot. seq. no. 004), respectively,

And defendant-appellant having moved for a stay of all proceedings, including discovery, 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 18, 2008.

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

-----X
In the Matter of the Application of
10th Avenue Hospitality Group LLC,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-3777
Index No. 109877/08

-against-

New York State Liquor Authority,
Respondent-Respondent.
-----X

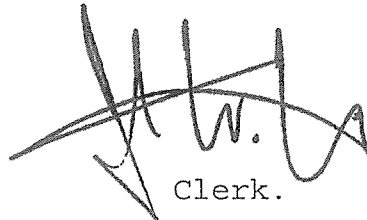
An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 31, 2008 (mot. seq. no. 001),

And petitioner-appellant having moved for withdrawal of said appeal,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2008.

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

-----X
Adventure Trails, Inc.,
Plaintiff-Appellant,

-against-

M-4857
Index No. 602139/04

Leading the Way Tours, Inc. and
Christine Emrick,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 20, 2007 (mot. seq. no. 005),

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 18, 2008.

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

-----X
Jing Kelly, formerly known as
Jing Xiong, individually, and
Tristram Kelly, a child under
the age of 8 years, by and
through his natural mother
Jing Kelly, formerly known as
Jing Xiong,
Plaintiffs-Appellants,

M-4781
Index No. 104104/06

-against-

Gail K. Hiler, 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, New York County, entered on or about August 13, 2007 (mot. seq. nos. 002, 003),

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

Ordered that the motion is granted to the extent of enlarging appellants' time in which to perfect the appeal 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 18, 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-4671
Ind. No. 2957/01

Melvin Johnson,
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, entered on or about September 24, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, 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 18, 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-4758
Ind. No. 2548/06

Michael Howard,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 31, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,


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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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. 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 18, 2008.

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

-----x
District 4 Presidents' Council, et al.,
Petitioners-Respondents,

-against-

M-4292
Index No. 108327/07

The Franchise and Concession Review
Committee of the City of New York,
et al.,
Respondents-Appellants.

-----x

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about February 5, 2008 (mot. seq. nos. 001, 002, 003) and May 19, 2008 (mot. seq. nos. 003, 004), and from the order of said Court entered on or about July 14, 2008, respectively,

And petitioners-respondents having moved to dismiss the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated October 22, 2008, and due deliberation having been had thereon,

It is ordered that the appeals and the motion are deemed 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 18, 2008.

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

-----X
Cesare Gaspari, DPM, et al.,
Plaintiffs-Respondents,

-against-

M-4846
M-5314
Index No. 114960/05

Amnon Eric Sadeh, M.D., et al.,
Defendants,

Marlene Finkelstein, P.A.,
Defendant-Appellant.

-----X

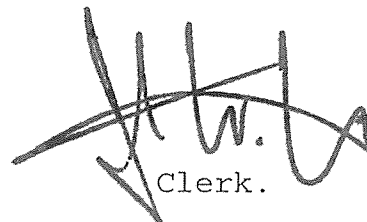
Defendant-appellant having moved for an enlargement of time in which to perfect the appeals taken from the orders of the Supreme Court, New York County, entered on or about September 24, 2007 (mot. seq. no. 004) and June 2, 2008 (mot. seq. no. 009), respectively, and for consolidation of the appeals (M-4846),

And plaintiffs-respondents having cross-moved for same relief (M-5314),

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

Ordered that the motion and cross motion are granted to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the March 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 18, 2008.

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

-----X
Bank of America, Successor By
Merger to Fleet National Bank,
Plaintiff-Respondent,

-against-

M-4628
Index No. 603103/06

Tadco Construction Corp., et al.,
Defendants-Appellants.

-----X
Tadco Construction Corp., et al.,
Counterclaim Plaintiffs-Appellants,

-against-

Bank of America, Successor By
Merger to Fleet National Bank,
Counterclaim Defendant-Respondent.

-----X

Defendants-appellants and counterclaim plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about May 18, 2007 (mot. seq. no. 002) and from the judgment of said court entered on or about July 27, 2007, respectively,

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

Ordered that the motion is granted to the extent of enlarging appellants' time in which to perfect the appeal to the January 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 18, 2008.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,
Eugene Nardelli
John W. Sweeny, Jr. Justices.
James M. McGuire,

-----X
Brian Cooper,
Plaintiff-Respondent,

-against-

M-3543
Index. No. 70819/91

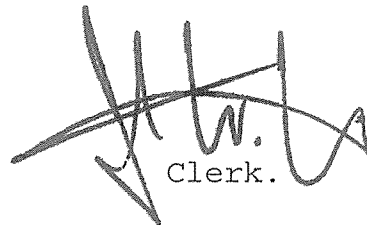
Karen Wenig Cooper,
Defendant-Appellant,
-----X

Plaintiff having moved for reargument of the decision and order of this Court entered on June 26, 2008 (Appeal No. 3657),

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.

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

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

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

M-4420
Ind. No. 9241/99

-against-


CERTIFICATE
DENYING LEAVE

Ubaldo Romero

Defendant.

-----X

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


Hon. Jonathan Lippman
Presiding Justice

Dated: November 7, 2008
New York, New York

ENTERED: **NOV 18 2008**

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

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

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

M-4616
Docket No.
97X073040

-against-


CERTIFICATE
DENYING LEAVE

Teofilo Ortiz,

Defendant.

-----X

I, Jonathan Lippman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon review of the record and proceedings herein, defendant's application, denominated as one for nunc pro tunc relief, is deemed one for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15 granting defendant leave to appeal from the order of the Supreme Court, Bronx County (Doris M. Gonzalez, J.), entered on or about June 13, 2007, and denied as such, inasmuch as there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department.


Hon. Jonathan Lippman,
Presiding Justice

Dated: November 7, 2008
New York, New York

ENTERED: **NOV 18 2008**

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-4489
Ind. No. 2068/03

-against-

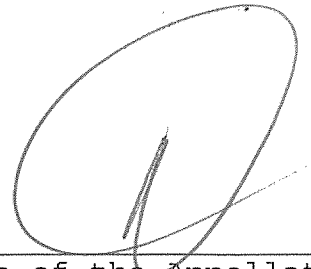
CERTIFICATE
DENYING LEAVE

Miguel Devison,

Defendant.
-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, (Bonnie G. Wittner, J.), entered July 29, 2008, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York
November 5, 2008



Justice of the Appellate Division

ENTERED

NOV 18 2008

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-4501
Ind. No. 2648/00

-against-

CERTIFICATE
DENYING LEAVE

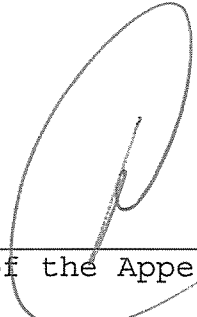
Jose Rosario,

Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, (Laura A. Ward, J.), entered April 4, 2008, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York
November 5, 2008



Justice of the Appellate Division

ENTERED NOV 18 2008

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

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

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

M-4796
Ind. Nos.
13099/93,330/94

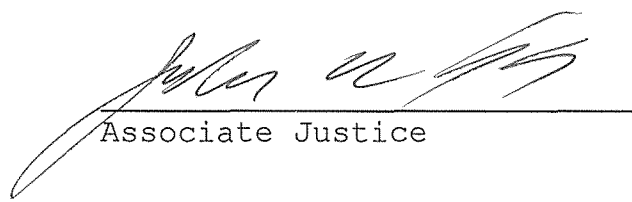
-against-

CERTIFICATE
DENYING LEAVE

Craig Mobayed, a/k/a Christopher Meyers,
Defendant.

-----X

I, John W. Sweeny, Jr., 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 September 9, 2008 (A. Kirke Bartley, J.) is hereby denied.


Associate Justice

Dated: November 7, 2008
New York, New York

ENTERED: **NOV 18 2008**

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M 4837
Ind. No. 2209/04

-against-

CERTIFICATE
DENYING LEAVE

Lamaar Pleasant,

Defendant.

-----X

I, Helen E. Freedman, 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 August 29, 2008 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: November 7, 2008
New York, New York

ENTERED: **NOV 18 2008**

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2008.

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

-----X
Anna Karina Jimenez, by her
mother and natural guardian,
Andrea Jimenez, and Andrea Jimenez
individually,
Plaintiffs-Respondents,

-against-

M-5047
Index No. 118816/02

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

Varsity Transit, Inc.,
Defendant-Appellant.

-----X

Appeals having been taken by the respective parties from the order of the Supreme Court, New York County, entered on or about June 3, 2008 (mot. seq. no. 003),

And defendant-appellant Varsity Transit, Inc. having moved for a stay of trial pending hearing and determination 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 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 18, 2008.

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

-----X
2350 Fifth Avenue LLC,
Plaintiff-Appellant,

-against-

M-4701
Index No. 600807/08

2350 Fifth Avenue Corporation, et al.,
Defendants-Respondents.

-----X

An appeal having been taken from order of the Supreme Court, New York County, entered on or about May 20, 2008,

And defendants-respondents having moved to vacate the interim relief afforded appellant by order of a Justice of this Court dated May 21, 2008, and for related relief,

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

Ordered that the motion is denied, with leave to renew on notice, should appellant fail to make timely payments in futuro in compliance with the aforesaid order of a Justice of this Court dated May 21, 2008. Should appellant fail to perfect the appeal on or before January 5, 2009 for the March 2009 Term of this Court, an order vacating the stay may be entered ex parte, provided that respondents serve a copy of this order upon 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 the County of New York on November 18, 2008.

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

-----X
In the Matter of the Application of
Hugh Wyatt, individually,
Petitioner-Respondent,

-against-

M-5070
Index No. 602299/08

Inner City Broadcasting Corporation,
et al.,
Respondents-Appellants.

-----X

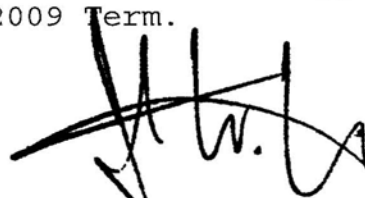
An appeal having been taken from the orders of the Supreme Court, New York County, entered on or about September 22, 2008 (mot. seq. no. 001) and October 17, 2008 (mot. seq. no. 002),

And respondents-appellants having moved for an order staying the turnover of corporate records 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 appellant perfects the appeal 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 18, 2008.

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

-----X
Milca Esdaille, Individually and
as Mother and Natural Guardian of
Alanna Vaughns, an Infant under the
Age of 14 Years,
Plaintiff-Appellant,

M-4825 & M-4998
Index No. 16238/03

-against-

Whitehall Realty Company and
Hampton Management Company,
Defendants-Respondents.

-----X
Milca Esdaille, Individually and
as Mother and Natural Guardian of
Alanna Vaughns, an Infant under the
Age of 14 Years,
Plaintiff,

Index No. 15508/04

-against-

Whitehall Tenants Corp. and
Insignia Residential Group, Inc.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about November 30, 2007,

And defendant-respondent Whitehall Realty Company having cross-moved for dismissal of the aforesaid 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 enlarging the time in which to perfect the appeal to the February 2009 Term. The cross motion to dismiss the appeal is granted unless the appeal is perfected for said February 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent(s) serves a copy of this order upon the appellant within 10 days after the date of entry hereof.

ENTER:



Handwritten signature in black ink, appearing to be 'J.W.L.' with a large flourish.

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 18, 2008.

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

-----X
Felicitto Ramirez,
Plaintiff-Appellant,

-against-

M-5241
Index No. 122538/00

Willow Ridge Country Club, Inc.
and E.W. Howell Co., Inc.,
Defendants.

-----X
Willow Ridge Country Club, Inc. and
E.W. Howell Co., Inc.,
Third-Party Plaintiffs,

-against-

Index No. 590774/01

Falcon Industries, Inc. and Alan
Freeman & Associates,
Third-Party Defendants,

-----X
Trolman, Glaser & Lictman, P.C.,
Non-Party Attorney-Respondent.
-----X

An appeal having been taken from an amended order of the Supreme Court, New York County, entered on or about July 30, 2007 (mot. seq. no. 010),

And non-party attorney-respondent having moved for an order striking certain pages included in the record on appeal,

Now, upon reading and filing the correspondence from Michael T. Altman, Esq., counsel for respondent, dated November 11, 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 18, 2008.

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

-----X
In Re: New York City Asbestos Litigation

Alfred D'Ulisse, et al.,
Plaintiffs-Respondents,

-against-

M-5043
Index No. 113838/04

Amchem Products, Inc., et al.,
Defendants,

-and-

Daimlerchrysler Corporation,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about May 13, 2008,

And defendant-appellant having moved for permission to file a supplemental appendix containing the final order of the Circuit Court for the County of Loudoun, Virginia, in *Dunford v Honeywell Corp. et al.* (Case No. CL-25113), and for related relief,

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

It is ordered that the motion is denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 18, 2008.

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

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

Respondent,

-against-

M-5199
Ind. No. 1609/07

David Owens,

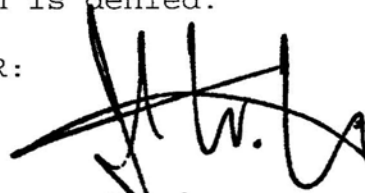
Defendant-Appellant.
-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about February 6, 2008, 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 denied.

E N T E R:


Clerk.