

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 25, 2008.

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

-----X
John M. Van Deventer, James R. Clark
and C2C Consultants, Ltd.,
Plaintiffs,

-against-

CS SCF Management Limited, Credit
Suisse First Boston, Credit Suisse
First Boston (USA), Inc., CS Capital
Partners, Ltd., CS Structured Credit
Fund, Ltd.,
Defendants-Appellants,

M-5238
Index No. 603151/03

Credit Suisse Fund Administration
Limited and Queensgate Bank and
Trust Company, Ltd.,
Defendants.

-----X
CS SCF Management Limited, Credit
Suisse First Boston (USA), Inc.,
CS Capital Partners, Ltd. and CS
Structured Credit Fund, Ltd.,
Counterclaim-Plaintiffs,

-against-

John M. Van Deventer, James R. Clark
and C2C Consultants, Ltd.
Counterclaim-Defendants.

-----X

An appeal having been taken from orders of the Supreme Court, New York County, both entered on or about July 5, 2008 (mot. seq. nos. 027 and 031),

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

It is ordered that the appeal, previously perfected for the September 2008 Term, is withdrawn in accordance with the aforesaid stipulation.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 25, 2008.

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

-----X

Nabi Biopharmaceuticals,

Petitioner-Appellant,

M-5233

Index No. 600898/07

-against-

Inhibitex, Inc.,

Respondent-Respondent.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 30, 2008,

Now, upon reading and filing the stipulation of the parties hereto, filed October 17, 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It is ordered that the appeal, previously perfected for the December 2008 Term, is withdrawn in accordance with the aforesaid stipulation.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 25, 2008.

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

-----X
Pamela Alexander and Francis
Alexander,
Plaintiffs-Respondents,

-against-

M-5239
Index No. 112872/04

Julia D. Katz, M.D., Ken Moadel,
M.D., and New York Eye Specialists,
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 11, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated October 28, 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 25, 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-5008

Case No. 48992C/05

Ind. No. 1631/06

Oscar Montes, also known as
Oscar Hilerio,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about January 31, 2007,

And defendant-appellant having moved to withdraw the aforesaid appeal as moot,

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

It is ordered that the appeal is deemed withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 25, 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-4617A
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.

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. The order of this Court entered on November 13, 2008 (M-4617) is hereby recalled and vacated.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 25, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
Milton L. Williams
James M. McGuire, Justices.

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

-against-

M-4961
Ind. No. 871/07

Jose Parra,
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 January 11, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

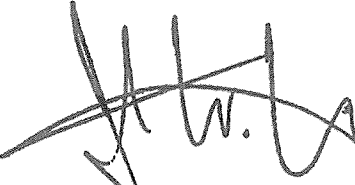
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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 M. 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 25, 2008.

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

-----X
Board of Managers of the 195 Hudson
Street Condominium,
Plaintiff-Respondent-Appellant,

-against-

M-4768

Index No. 118784/03

195 Hudson Street Associates, LLC,
et al.,
Defendants,

K&J Construction Co., LP and
Gonzalez Construction, LLC,
Defendants-Appellants-Respondents.

-----X

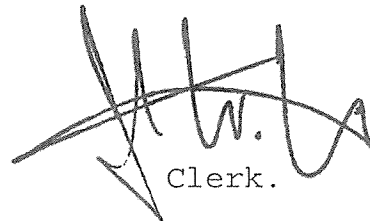
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 24, 2007,

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

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

It is ordered that the motion is granted to the extent of enlarging the time of the respective parties in which to perfect the appeal and the cross appeal to the June 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 25, 2008.

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

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

-against-

M-4806
Ind. No. 3368/04

Janette Brown,
Defendant.

-----X

Orders of this Court having been entered January 17, 2008 (M-6264) and October 2, 2008 (M-3742), inter alia, denying defendant's motions for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 4, 2006, and for related relief,

And defendant having again moved for the same 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 relief sought being timed barred. (See CPL § 460.30 subd. 1.; see also CPL § 440.10).

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 25, 2008.

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

-----X
The People of the State of New York
by Andrew M. Cuomo, Attorney General
of the State of New York,

Plaintiff-Respondent-Appellant,

M-3530

Index No. 404620/06

-against-

Coventry First LLC, et al.,
Defendants-Appellants-Respondents.

-----X

Defendants-appellants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 17, 2008 [Corrected Order June 25, 2008] (Appeal No. 3953),


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 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 to be reviewed by the Court of Appeals:

"Was the order of the Supreme Court, as modified by the order of this 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 25, 2008.

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

-----X
Bleecker Street Tenants Corp.,
Plaintiff-Appellant,

-against-

M-4738

Index No. 600053/08

Bleecker Jones LLC, et al.,
Defendants-Respondents,

Buffington Ltd., doing business as
Caffe Vivaldi, et al.,
Defendants.

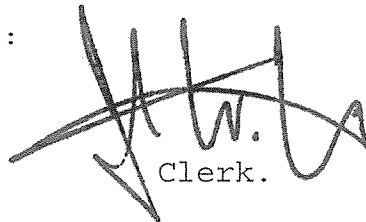
-----X

Defendants-respondent having moved for an order dismissing plaintiff-appellant's appeal taken from the order of the Supreme Court, New York County, entered on or about August 6, 2008 (mot. seq. no. 002),

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected for the April 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondents serve a copy of this order upon the appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 25, 2008.

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

-----X
Angel Rivera,
Plaintiff-Appellant,

-against-

M-4948
Index No. 6407/06

Fidel Casilla, Ricardo Rodriguez,
Roy Linem, Bennet Farmer, Espe Galant,
Jojos Taxi, Inc., The City of New York
and Luis Victoria,
Defendants-Respondents.

-----X

Defendant-respondent Bennet Farmer having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about November 8, 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 25, 2008.

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

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

-against-

M-4887
Ind. No. 5548/05

Conica Campbell,
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 June 2, 2006, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

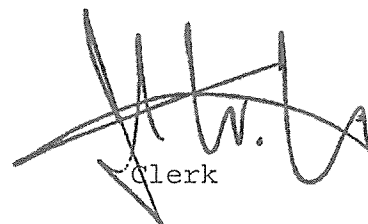
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 25, 2008.

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

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

-against-

M-4894
Ind. No. 4411/02

Benjamin Kelly,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentencing of the Supreme Court, New York County, rendered on or about September 19, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of **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 25, 2008.

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

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

-against-

M-4854
Ind. No. 3839/04

Anthony Rudder,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of resentence of the Supreme Court, Bronx County, rendered on or about March 27, 2008, 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,

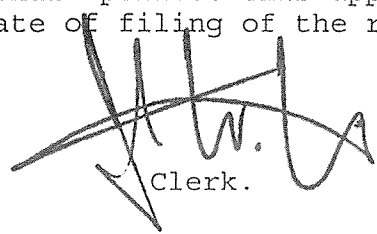
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is 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 **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, Tel. 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 25, 2008.

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

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

-against-

Christopher R. Janish,
Defendant-Appellant.

M-4883
Ind. Nos. 3678/06
1282/07

-----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 July 22, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

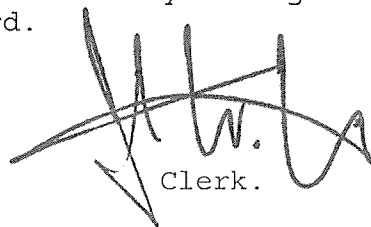
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall 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.

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 25, 2008.

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

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

-against-

M-4891
Ind. No. 5873/07

Kenneth Brown,
Defendant-Appellant.

-----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 August 19, 2008, 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,

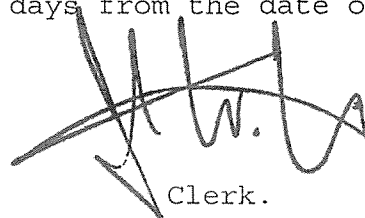
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is 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.

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.

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 25, 2008.

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

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

Respondent,

-against-

M-4862
Ind. No. 1543/98

Kersey Jannestil, also known as
Kersey K. Jannestil,

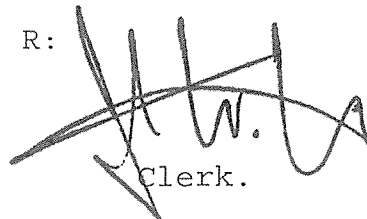
Defendant-Appellant.
-----X

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 July 2, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, setting forth his indigency pursuant to CPLR 1101(a), including the sources of funds used to post the \$3,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 25, 2008.

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

-----X

The People of the State of New York,
Respondent,

-against-

Gilbert Carandang,

Defendant-Appellant.

M-4888
M-4892
Ind. Nos. 2554/05
6526/07

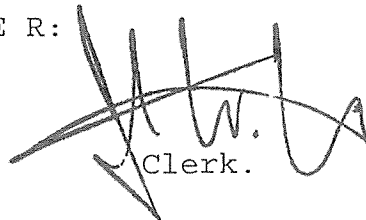
-----X

Defendant having moved by separate motions for leave to prosecute, as a poor person, the appeals from the judgment of the Supreme Court, New York County (under Ind. No. 6526/07) [M-4892] and the judgment of resentence (under Ind. No. 2554/05) [M-4888] of said court both rendered on or about October 1, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, setting forth his indigency pursuant to CPLR 1101(a), including the amount and sources of funds for retention of trial counsel, and an explanation 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.)

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 25, 2008.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-4893
Ind. No. 770/08

Donna Chatman, also known as
Donna E. Chatman,

Defendant-Appellant.

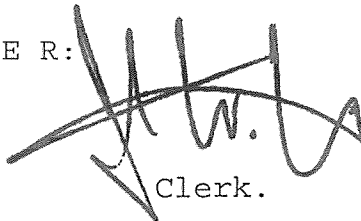
-----X

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 on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, setting forth his indigency pursuant to CPLR 1101(a), including the amount and sources of his income and listing his property with its value. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 25, 2008.

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

-----X

Kisha Mickens, et al.,

Plaintiffs-Appellants,

-against-

M-4916

Index No. 17260/06

Omar Khalid, 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 December 18, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2009 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 25, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Luis A. Gonzalez
Leland G. DeGrasse, Justices.

-----X
Certain Underwriters at Lloyds, London,
Plaintiffs,

-against-

Millennium Holdings LLC, et al.,
Defendants-Respondents,

AIU Insurance Company, et al.,
Defendants-Appellants,

M-3507
Index No. 600626/06

American Home Assurance Company, et al.,
Defendants,

Certain London Market Insurance Companies,
Nominal Defendants.

- - - - -

Certain Underwriters at Lloyds, London,
Plaintiffs-Appellants,

-against-

Millenium Holdings LLC, et al.,
Defendants,

Certain London Market Insurance Companies,
Nominal Defendants,

NL Industries Inc.,
Defendant-Respondent,

Employers Mutual Casualty Company, et al.,
Defendants-Appellants.

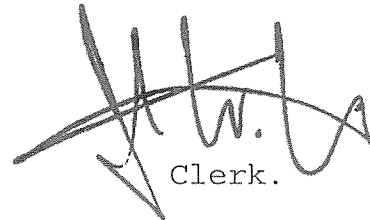
-----X

Defendant-respondent NL Industries, Inc. having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 10, 2008 [Corrected Order June 25, 2008] (Appeal Nos. 3868, 3869 and 3869A),

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 25, 2008.

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

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

-against-

M-4944
Ind. No. 3806/04

Kenneth Lewis,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 27, 2006,


And an order of this Court having been entered on June 26, 2008 (M-2778), inter alia, granting defendant leave to file a pro se supplemental brief,

And defendant having moved for an extension of time in which to file his pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of enlarging appellant's time in which to serve and file his pro se supplemental brief to on or before January 5, 2009 for the March 2009 Term, to which Term the appeal is adjourned. Appellant is advised that his appeal will not be heard unless and until all material furnished to appellant has been returned.

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 25, 2008.

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

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

-against-

M-4945
Ind. No. 3830/06

James Henderson,
Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 21, 2007,

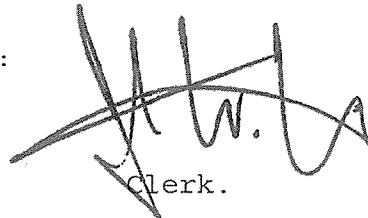
And an order of this Court having been entered on September 23, 2008 (M-4115), inter alia, granting defendant leave to file a pro se supplemental brief,

And defendant having moved for an extension of time in which to file his pro se supplemental brief, and for the transcription and production of certain minutes,

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 appellant's time in which to serve and file his pro se supplemental brief to on or before January 5, 2009 for the March 2009 Term, to which Term the appeal is adjourned. The Clerk of Supreme Court is directed to have transcribed for inclusion in the record the minutes of the arraignment proceedings held in said Court on July 20, 2006. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a copy of said minutes. The Appellant is advised that his appeal will not be heard unless and until all material furnished to appellant has been returned.

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 25, 2008.

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

-----X
George V Restauration S.A., et al.,
Plaintiffs-Appellants,

M-4907
-against- Index No. 602309/07

Little Rest Twelve, Inc.,
Defendant-Respondent.
-----X

Separate appeals having been taken from the order of the Supreme Court, New York County, entered on or about April 28, 2008 (mot. seq. no. 001) and the order of said Court entered on or about July 17, 2008, respectively, and said appeals having both been perfected for the December 2008 Term of this Court,

And plaintiffs-appellants having moved for consolidation of the aforesaid perfected appeals, and for designation of said appeals as enumerated in order to permit oral argument thereof,

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

It is ordered that the motion, to the extent it seeks consolidation, is granted to the extent of directing the Clerk to calendar the aforesaid appeals for hearing together in said December 2008 Term. So much of the motion which seeks designation of said appeals as enumerated is denied, without prejudice to plaintiffs seeking such relief by letter addressed to the Clerk of this Court pursuant to 22 NYCRR §§ 600.11(f)(1) and (3).

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 25, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
James M. McGuire
Rolando T. Acosta, Justices.

-----X
John Brent Holt,

Plaintiff-Respondent,

-against-

O'Porto Holding Company, Ltd.,

Defendant-Appellant.
-----X

M-5101
Index No. 103123/07

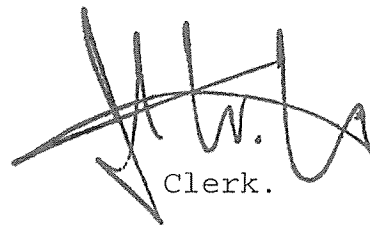
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 22, 2008 (mot. seq. no. 001),

And defendant-appellant having moved to stay a hearing to assess certain damages, pending hearing and determination of 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 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 25, 2008.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
David Friedman
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr., Justices.

-----X
Ibrahim Diallo,
Plaintiff-Appellant,

-against-

M-4939
Index No. 15044/04

Grand Bay Associates Enterprises, Inc.,
Defendant-Respondent.
-----X

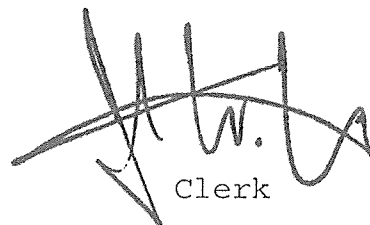
An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about October 10, 2008,

And plaintiff-appellant having moved for a stay of eviction proceedings against him in connection with the summary proceeding entitled *GBA Enterprises Inc. v Mamadou Diallo*, Index No. 38537/03, in Civil Court of the City of New York, Bronx County Housing Part, 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 the condition the appeal is perfected on or before January 5, 2009 for the March 2009 Term, and upon condition plaintiff-appellant pays monthly use and occupancy in the amount of \$750 to commence December 1, 2008 pending hearing and determination of the aforesaid appeal. Upon failure to so perfect the appeal, an order vacating the stay may be entered ex parte, provided respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof. Upon appellant's failure to remain current in use and occupancy, respondent may move on notice to vacate the stay.

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 25, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Luis A. Gonzalez
John T. Buckley
John W. Sweeny, Jr., Justices.

-----X
Mark S. Brantley,
Petitioner-Respondent,

-against-

M-5248

Index No. 104616/08

Municipal Credit Union,
Respondent-Appellant.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about October 10, 2008,

And respondent-appellant having moved to stay the 2008 shareholders' election as directed in the aforesaid order and judgment (one paper) of said Supreme Court, 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 that the appeal is perfected for the March 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that petitioner-respondent serves a copy of this order upon respondent-appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 25, 2008.

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

-----X
Howard Lasker, et al.,
Plaintiffs-Respondents,

-against-

M-5121
Index No. 103557/06

John A. Kanas, et al.,
Defendants-Respondents.

Carol Fisher,
Objector-Appellant.
-----X

Plaintiffs-respondents having moved to dismiss the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 19, 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 in the County of New York on November 25, 2008.

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

-----X
Robert M. Levy,
Plaintiff-Appellant,

-against-

M-3852
Index No. 30684/92

Robyn Endicott, as Personal
Representative of the Estate of
Jennie Tobin, also known as Jennie
Endicott, deceased,
Defendant-Respondent,

James Kilcullen,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 1, 2008 (mot. seq. nos. 002 and 003), which inter alia vacated the judgment of said Court entered on or about October 22, 1993, and dismissed the action,

And plaintiff-appellant having moved for a stay of the vacatur of the aforesaid judgment of the Supreme Court, New York County, entered on or about October 22, 1993, 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, with leave to renew, if so advised, upon substitution for deceased plaintiff. The interim relief granted by an order of a Justice of this Court dated August 7, 2008 is vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 25, 2008.

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

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

Respondent,

-against-

M-4932
Ind. No. 4307/07

Lawrence Mendez,

Defendant-Appellant.

-----X

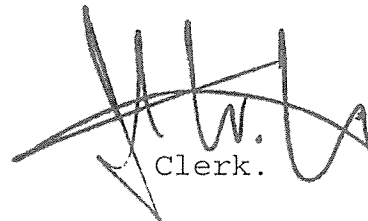
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 7, 2008,

And defendant having moved for a continuation of the stay of execution of sentence granted in the judgment of the Supreme Court, New York County, rendered on or about July 7, 2008, pending hearing and determination of the aforesaid appeal, and for an enlargement of time in which to perfect said 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 that appellant perfects the appeal on or before March 23, 2009 for the June 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 25, 2008.

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

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

-against-

M-4928
Ind. No. 1256/07

Rodney Freeman,
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 October 31, 2007, 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 March 2, 2009 for the April 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.

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 25, 2008.

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

-----X

The Bank of New York Trustee Under
the Pooling and Servicing Agreement
Series 1995-L
c/o GMAC Mortgage Corporation
3451 Hammond Avenue
Waterloo, IA 50704,

M-4514
Index No. 18413/05

Plaintiff-Respondent,

-against-

Raquel White, Esq., Heir of the
Estate of Delma Allen Reid, et al.,

Defendants-Appellants,

Unknown Heirs of the Estate of
Constance Graham, et al.,

Defendants.

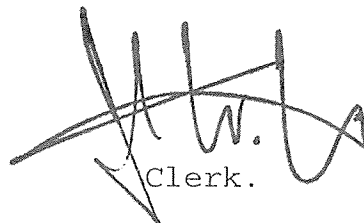
-----X

Defendants-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 September 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 to the extent of enlarging the time in which to perfect the appeal to the March 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 25, 2008.

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

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

M-4827 & M-4901

- - - - -

Ralph V.,
Petitioner-Appellant,

-against-

Docket Nos. V15343-01
V15343-01/01A
V15343-01/02B
V15343-01/03C
V15343-01/05D
V15343-01/05E

Elizabeth A.,
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about December 19, 2007,

And petitioner-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal (M-4827),

And petitioner-appellant having also moved to compel the Bronx Family Court to provide petitioner with a copy of a certain Updated Forensic Report (M-4901),

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-4827) is granted to the extent of enlarging the time in which to perfect the appeal to the March 2009 Term. The motion to compel (M-4901) is denied, with leave to renew upon documentation establishing that petitioner has properly subpoenaed the Bronx Family Court record under the appropriate docket numbers and with proof of service of the instant motion upon the Clerk of the Family Court.

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 25, 2008.

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

-----X
Jeffrey Fernandez,
Plaintiff-Appellant-Respondent,

-against-

M-4976

Index No. 28192/02

Riverdale Terrace, et al.,
Defendants-Respondents,

Wilkinson Hi-Rise, LLC, et al.,
Defendants,

Action Chutes, Inc.,
Defendant-Respondent-Appellant.

-----X

Plaintiff having taken appeals from the order of the Supreme Court, Bronx County, entered on or about January 4, 2008 and the judgment of said Court entered on February 8, 2008,

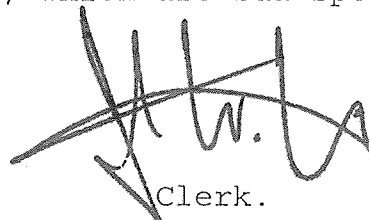
And defendant Action Chutes, Inc., having taken cross appeals from the aforesaid order and judgment of said Court,

And plaintiff having moved for an enlargement of time in which to perfect the direct 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 of the respective parties in which to perfect the appeals and cross appeals, which are sua sponte consolidated, to the April 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 25, 2008.

Present: Hon. David B. Saxe, Justice Presiding,
Milton L. Williams
John T. Buckley
John W. Sweeny, Jr., Justices.

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

Respondent,

-against-

M-2810
Ind. No. 1585/04

Lionel Gonzalez,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on November 28, 2006 (Appeal No. 9640), unanimously affirming the judgment of the Supreme Court, Bronx County (John G. Ingram, J.), rendered on December 9, 2004,

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

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

It is ordered that said application is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 25, 2008.

Present - Hon. David Friedman,
Luis A. Gonzalez
James M. McGuire
Karla Moskowitz,

Justice Presiding,

Justices.

-----X

William Bautista,
Plaintiff-Appellant,

-against-

M-4476
Index No. 112421/04

David Frankel Realty, Inc.,
Defendant-Respondent.


-----X

Defendant-respondent having moved for reargument of the decision and order of this Court entered on September 2, 2008 (Appeal No. 3185), 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 25, 2008.

Present - Hon. David Friedman, Justice Presiding,
Milton L. Williams
James M. Catterson
Rolando T. Acosta, Justices.

-----X
Wilbur McNeill, et al.,
Plaintiffs-Respondents,

-against-

LaSalle Partners, M-3819
Defendant, Index No. 21633/00
2602/01
G.C.T. Venture, Inc., et al., 83585/02
Defendants-Appellants, 83593/03

ETS Contracting, Inc.,
Defendant-Respondent.

[And a Third-Party Action]

LaSalle Partners Incorporated,
Second Third-Party Plaintiff,

G.C.T. Venture, Inc., et al.,
Second Third-Party
Plaintiffs-Appellants,

-against-

Miller Druck Co. Inc., et al.,
Second Third-Party
Defendants-Respondents.

 LaSalle Partners Incorporated,
 Third Third-Party Plaintiff,

G.C.T. Venture, Inc., et al.,
 Third Third-Party
 Plaintiffs-Appellants,

-against-

ETS Contracting, Inc.,
 Third Third-Party
 Defendant-Respondent.

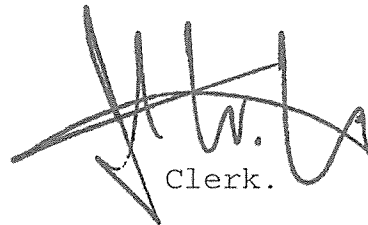
-----X

Second third-party defendants-respondents Miller Druck Co., Inc., Miller Druck Specialty Contracting, Inc., and D. Magnan & Co. having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 24, 2008 (Appeal No. 3759),

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 25, 2008.

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

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

-against-

M-4804
Ind. No. 5812/07

Jeffrey Nelson,
Defendant-Appellant.

-----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 August 6, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

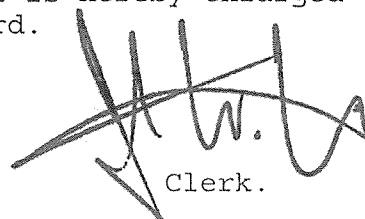
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall 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.

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 25, 2008.

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

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

-against-

M-4807
Ind. No. 2185/07

Mario Carvajal,
Defendant-Appellant.

-----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 June 25, 2008, 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,

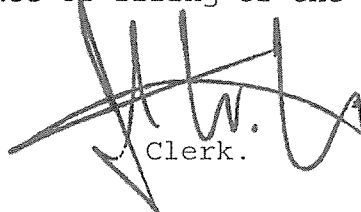
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is 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.

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Tel. 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 25, 2008.

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

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

-against-

M-4813
Ind. No. 3811/99

Lawrence White,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about July 2, 2008, 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,

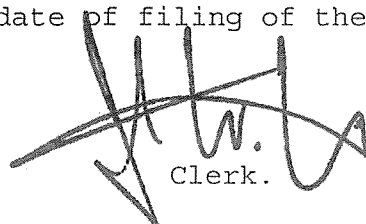
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is 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 **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, Tel. 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 25, 2008.

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

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

-against-

M-4819
Ind. No. 2136/07

John Boynton,
Defendant-Appellant.

-----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 June 30, 2008, 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,

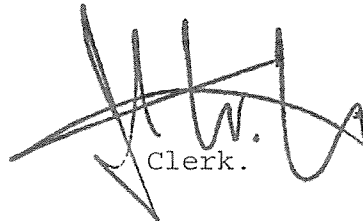
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is 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.

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.

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 25, 2008.

Present: Hon. John T. Buckley, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

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

-against- M-4951
Ind. No. 2875/05

Erik Ramales,
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 March 29, 2006, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Steven M. 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.

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 the Application of
Valerie Peters,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-5119
Index No. 114110/07

Martin F. Horn, Correction Commissioner
of the New York City Department of
Corrections, the New York City Department
of Corrections and the City of New York,
Respondents.


-----x

Respondents having moved, pursuant to CPLR 5701(c), for
leave to appeal to this Court from the order of the Supreme
Court, New York County, entered on or about September 29, 2008
(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.

Dated: November 17, 2008



David Friedman
Associate Justice

Entered: NOV 25 2008

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

BEFORE: Hon. Eugene L. Nardelli
Justice of the Appellate Division

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

M-4597
Ind. No. 5038/92

-against-

CERTIFICATE
DENYING LEAVE

Junior Wilson a/k/a Kevin Nesmith,

Defendant.

-----X

I, Eugene L. Nardelli, 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, Bronx County, entered on or about August 15, 2008, is hereby denied.



Justice of the Appellate Division

Dated: New York, New York

ENTERED NOV 25 2008

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,

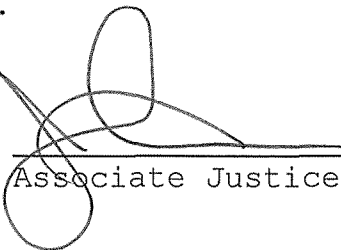
M-2166
Ind. No. 14970/90

-against-

CERTIFICATE
DENYING
RECONSIDERATION

William Vega,
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
October 18, 2007, is hereby denied.



Associate Justice

Dated: November 17, 2008
New York, New York

ENTERED: November 25, 2008

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-3917
Ind. No. 430/96

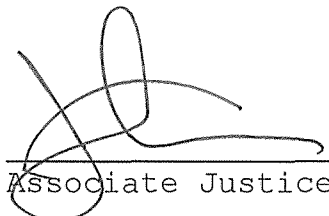
-against-

CERTIFICATE
DENYING
RECONSIDERATION

Anonymous,
Defendant.

SEALED

-----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 March
24, 2003, is hereby denied.



Associate Justice

Dated: November 17, 2008
New York, New York

ENTERED: November 25, 2008.

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

-against-

Ronald Jackson

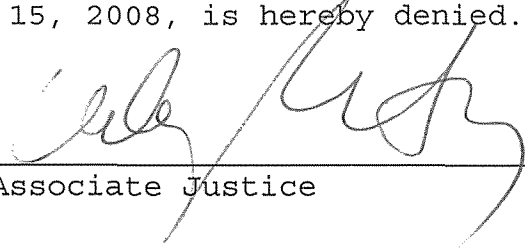
Defendant.

-----X

M-4674
Ind. No. 10392/ 94

CERTIFICATE
DENYING LEAVE

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant deemed to be 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, entered on or about September 15, 2008, is hereby denied.


Associate Justice

Dated: November 20, 2008
New York, New York

ENTERED: November 25, 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 25, 2008.

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

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

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

ACTION NO. 1
M-5315
Index No. 603458/07

-and-

Whatley, Drake & Kallas, LLC,
Petitioner,

-against-

Milberg Weiss LLP,
Respondent-Respondent.

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

ACTION NO. 2
M-5316
Index No. 603293/07

-against-

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

Whatley Drake & Kallas LLC,
Respondent.

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

ACTION NO. 3
M-5317
Index No. 113481/07

-against-

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

Whatley Drake & Kallas LLC,
Respondent.

-----X

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

-against-

ACTION NO. 4

M-5318

Index No. 113416/07

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

Whatley Drake & Kallas LLC,
Respondent.

-----X

Petitioners-appellants in Action No. 1/respondents-appellants in Actions Nos. 2, 3 and 4 having taken appeals from the orders of the Supreme Court, New York County, entered on or about May 6, 2008 and August 26, 2008 (Action No. 1), May 6, 2008 and August 26, 2008 (Action No. 2), May 6, 2008 and August 26, 2008 (Action No. 3), and May 2, 2008 and August 26, 2008 (Action No. 4), respectively,

And appellants having moved separately with respect to each action for an order consolidating the aforesaid appeals, and for related relief,

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

Ordered that the motions are granted to the extent of permitting appellants to prosecute the aforesaid appeals upon 10 copies of one record and of one set of appellants' points covering the appeals. Appellants are directed to perfect the consolidated appeals on or before January 5, 2009 for 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 25, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
Eugene Nardelli
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Madison Third Building Companies, LLC,
etc.,
Plaintiff-Respondent,

-against-

David Berkey, et al.,
Defendants-Appellants.

M-5351
Index No. 603999/04

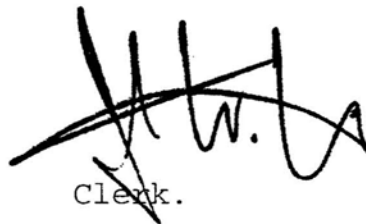
-----X

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about 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 denied and the interim relief granted by an order of a Justice of this Court dated November 6, 2008 is hereby vacated.

ENTER:



Clerk.

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

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

-----X
In the Matter of

Mark Eric R.,
Tajanae R.,
and Taj X. R.,

M-4247

Dependent Children under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

LEAVE TO APPEAL
AND STAY DENIED

Docket Nos. B1746/07
B1747/07
B1748/07

Children's Aid Society,
Petitioner-Respondent,

-against-

Juelle G.,
Respondent-Appellant,

Mark R.,
Respondent.

Frederick Schneider, Esq.,
Law Guardian for the Children.

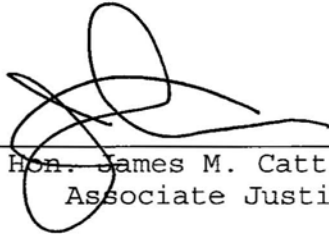
-----X

Respondent mother, Juelle G., having moved for leave to appeal to this Court from the order of the Family Court, New York County, entered on or about August 1, 2008, which suspended all visitation between respondent(s) and the subject children, and for a stay of the aforesaid order so as to allow continued visitation, pending hearing and determination of the prospective appeal, and for related relief,

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

It is ordered that so much of the motion which seeks leave to appeal to this Court is denied as unnecessary and the moving papers are deemed a timely notice of appeal. So much of the motion which seeks a stay of suspension of visitation and a stay of further proceedings in Family Court is denied.

Dated: New York, New York
November 20, 2008



Hon. James M. Catterson
Associate Justice

Entered: November 25, 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 25, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
Eugene Nardelli
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Zone One New York, Inc.,
Plaintiff,

-against-

Murad Ali, et al.,
Defendants.

M-5486
Index No. 603180/04

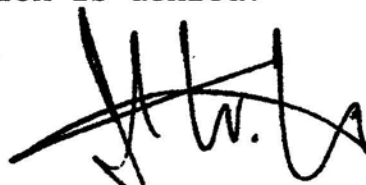
-----X

Defendants having moved, pursuant to CPLR 5704(a), for a temporary restraining order denied by a Justice of the Supreme Court, New York County, on or about October 29, 2008 (mot. seq. no. 002),

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

It is ordered that the motion is denied.

E N T E R:



Clerk.