

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 2, 2008.

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

-----X
East Forty-Fourth Street L.L.C.,
Plaintiff-Respondent,

-against-

Yusuf Bildirici,
Defendant-Appellant.

M-4606
Index No. 603216/07

-----X

Defendant-appellant having moved for a stay of all proceedings in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 4, 2008 (mot. seq. no. 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 on condition that the appeal is perfected for the January 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

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

-----X

In the Matter of

Kalees M.,

A Child Under Eighteen Years of Age
Pursuant to §384-b of the Social
Services Law of the State of New York.

M-4386
Docket No. NN-13521/08

Administration For Children's Services
of the City of New York,
Petitioner-Appellant,

Katow M., also known as Katohwa M.,
Derek B.,
Respondents-Respondents.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about June 18, 2008,

Now, upon reading and filing the correspondence of the parties hereto, dated September 8, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid correspondence.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 October 2, 2008.

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

-----X
Bobby D. Associates,
Plaintiff-Respondent,

-against-

M-4391X
Index No. 106624/07

Wynne Gilmore,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 3, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 9, 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 October 2, 2008.

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

-----X
Provident Life and Casualty Insurance
Company and First Unum Life Insurance
Company,
Plaintiffs-Respondents,

-against-

M-4401X
Index No. 105130/06

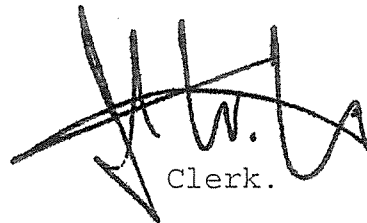
Richard S. Gravante,
Defendant-Appellant.
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 17, 2007 and March 3, 2008 (mot. seq. no. 002), respectively,

Now, after pre-argument conference and upon reading and filing the stipulations of the parties hereto both, "so ordered" September 10, 2008, and due deliberation having been had thereon,

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

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 2, 2008.

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

-----X
In the Matter of

Jerra H.,

M-4387

A Child Under 18 Years of Age
Alleged to be Abused and/or
Neglected Pursuant to Article 10
of the Family Court Act.

Docket No. N7057/06

Commissioner, Administration for
Children's Services,
Petitioner-Respondent,

Jerra H.,
Respondent-Respondent,

Steven Banks, Esq., Law Guardian for
the Child,
Respondent-Appellant.

-----X
An appeal having been taken from the order of the Family Court, New York County, entered on or about December 6, 2007,

And the law guardian for respondent-appellant child having filed correspondence stating appellant's request to withdraw the aforesaid appeal,

Now, upon reading and filing of the papers with respect to the motion, and the aforesaid correspondence filed August 21, 2008, 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 October 2, 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-4191
Ind. No. 444/08

David Davey,
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 August 11, 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 October 2, 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-4198
Ind. No. 6458/07

Kinanchy De Aga,
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 14, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

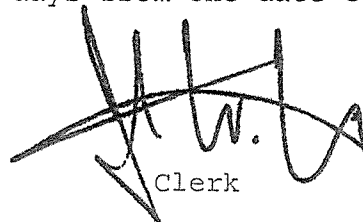
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 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-4199
Ind. No. 1408/08

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

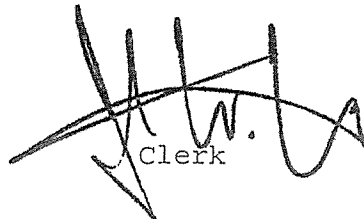
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 October 2, 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-4200
Ind. No. 418/08

Douglas Fauntleroy,
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 August 6, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

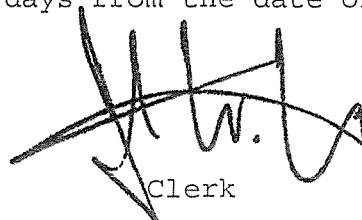
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 October 2, 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-4201
Ind. No. 3219/06

Jamarr Fowler,
Defendant-Appellant.

-----X

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

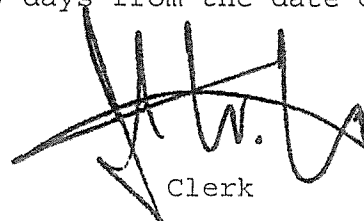
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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, 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 October 2, 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-4202
Ind. No. 3531/08

Albert E. Green,
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 August 5, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

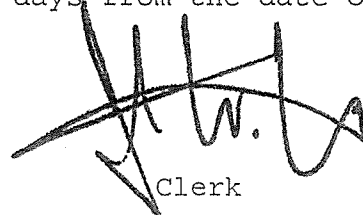
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 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-4203
Ind. No. 6536/01

Gregory Holland
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about July 23, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

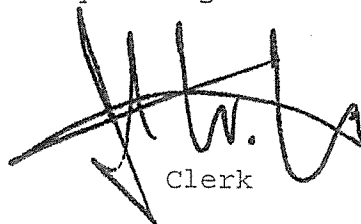
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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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 October 2, 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-4204
Ind. No. 3580/07

Robert 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, rendered on or about July 21, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

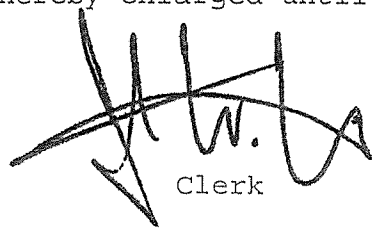
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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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 October 2, 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-4208
Ind. No. 29/08

Javier Mena,
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 8, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

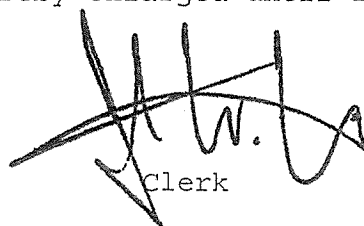
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 October 2, 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-4209
Ind. No. 788/08

Debra Pagan, also known as Deborah
Pagan,
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 August 7, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

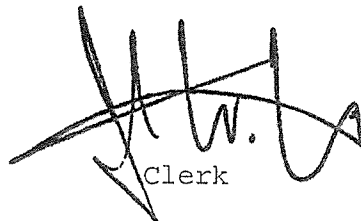
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 October 2, 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-4210
Ind. No. 4678/07

Jaime Quinones,
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 30, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

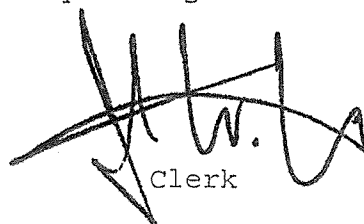
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 October 2, 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-4211
Ind. No. 5186/01

Brandon Royer,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about July 30, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

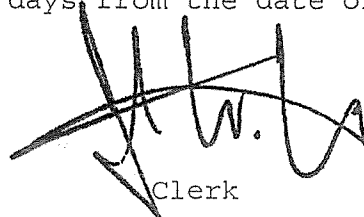
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 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-4212
Case No. 03438C/05

Nicholas Sanchez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 5, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

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

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

-against-

M-4213
Ind. No. 4768/07

Makeber Sanders,
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 22, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

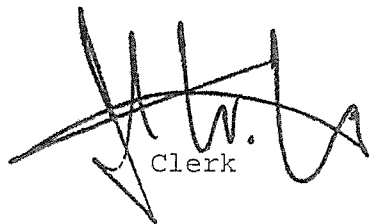
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 October 2, 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-4215
Ind. No. 859/07

Andre Stokes,
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 August 4, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

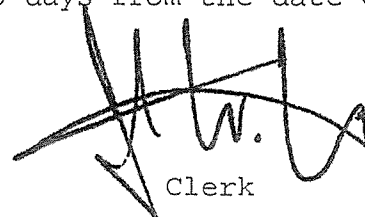
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Milton L. Williams
James M. McGuire
Helen E. Freedman, Justices.

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

-against-

M-4011
Ind. Nos. 3633/06
6046/06

John Nevarez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about August 14, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, for consolidation of said appeal with the direct appeal taken from the judgment of said Court rendered on or about June 25, 2007, for continuation of poor person relief previously granted by order of this Court entered on August 16, 2007 (M-3534) and assigning Robert S. Dean, Esq., Center for Appellate Litigation, as counsel on the consolidated appeals, and for related relief,

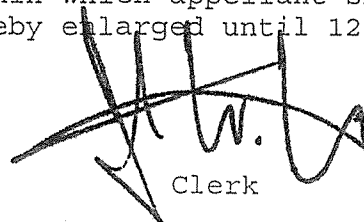
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the consolidated appeals 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(s), 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 both appeals. The time within which appellant shall perfect the consolidated appeals 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 October 2, 2008.

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

-----X
Mary Stevenson-Misischia, as Executrix
of the Estate of Mario Misischia,
Plaintiff-Appellant,

-against-

M-4248
Index No. 600122/07

L'Isola D'Oro SRL, et al.,
Defendants-Respondents.

-----X

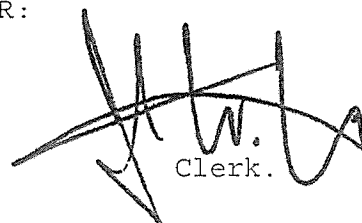
Orders of this Court having been entered on January 22, 2008 (M-6380) and March 6, 2008 (M-632), inter alia, denying appellant's motions for poor person relief,

And plaintiff-appellant having renewed her motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about August 7, 2007 (mot. seq. no. 001), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 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. Appellant's time in which to perfect the appeal is enlarged to the January 2009 Term, with no further enlargements to be granted. Sua sponte, upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that defendants-respondents serve a copy of this order upon appellant within 10 days after the date of entry hereof.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

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

-----X
Susan Angel,

Plaintiff-Appellant,

-against-

M-4014
Index No. 350072/05

Christopher O'Neill,

Defendant-Respondent.
-----X

Plaintiff-appellant having renewed her motion for leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County, entered on or about June 6, 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.

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 2, 2008.

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

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

-against-

M-4470
Ind. No. 828/04

John Shute,
Defendant-Appellant.

-----X

An order of a Justice of this Court having been entered on November 27, 2007 (M-5635), granting defendant leave to appeal to this Court, pursuant to Section 460.15 of the Criminal Procedure Law, from the order of the Supreme Court, New York County, entered on or about October 4, 2007, and consolidating said appeal with the appeal from the judgment of said Supreme Court, rendered on or about August 3, 2005, and extending the poor person relief and assignment of Robert S. Dean, Esq., Center for Appellate Litigation, afforded defendant by the order of this Court entered on October 18, 2005 (M-5167), to cover both of the consolidated appeals,

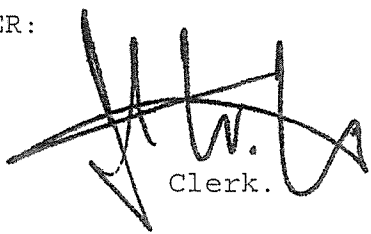
And defendant-appellant having perfected the aforesaid consolidated appeals for the December 2008 Term of this Court,

And defendant-appellant having moved to withdraw the appellant's brief previously filed and for leave to re-file an oversized brief, a copy of which is included with the moving papers, encompassing both of the aforesaid consolidated 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 and defendant is directed to file 10 copies of the aforesaid oversized appellant's brief with the Clerk of this Court on or before November 10, 2008 for the January 2009 Term, to which Term the appeal is adjourned.

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 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Milton L. Williams
James M. McGuire
Helen E. Freedman, Justices.

-----X
Sofia E. Leveau,

Plaintiff-Appellant,

-against-

M-4048
Index No. 6296/06

Rosetta V. Capolongo, et al.,

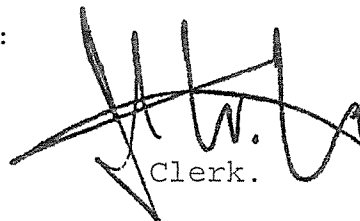
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 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 January 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Milton L. Williams
James M. McGuire
Helen E. Freedman, Justices.

-----X
Heath Dykstra,
Plaintiff-Respondent,

-against-

M-4078 & M-4180
Index No. 111212/02

Avalon Restaurant Renovations,
Inc., et al.,
Defendants,

New York City Health & Hospitals
Corporation, etc., et al.,
Defendants-Appellants.

-----X

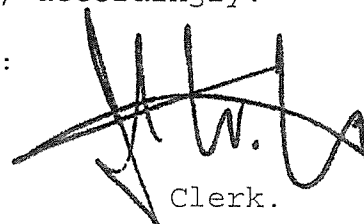
Defendants-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about November 13, 2007 (M-4078),

And plaintiff-respondent having cross-moved to dismiss the aforesaid appeal (M-4180),

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 on condition that the appeal is perfected for the February 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof. The cross motion is granted, accordingly.

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 2, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Milton L. Williams
James M. McGuire
Helen E. Freedman, Justices.

-----X
John Anderson,
Plaintiff-Respondent,

-against-

M-4139
Index No. 570215/07

Cushman & Wakefield, Inc.,
Defendant-Appellant,

ABC Management Agent I-X, etc.,
Defendant,

Dynaserv,
Defendant-Appellant,

XYZ Maintenance Company I-X, etc.,
et al.,
Defendants.

-----X

Plaintiff-respondent having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about January 31, 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 October 2, 2008.

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

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

-against-

M-3742
Ind. No. 3368/04

Janette Brown,
Defendant.

-----X

Defendant having renewed the motion 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 leave to prosecute said appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is denied (CPL §460.30 subd. 1).

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David Friedman
Leland G. DeGrasse, Justices.

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

-against-

M-4030
Ind. No. 5331/03

Rahjeem Williams,
Defendant-Appellant.

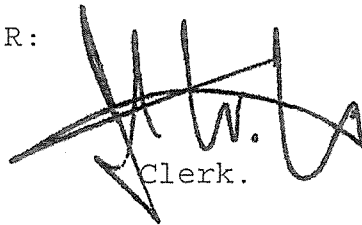
-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 26, 2005, having renewed his motion 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 deeming the proposed pro se supplemental brief submitted with the moving papers timely filed for the January 2009 Term, to which Term the appeal is adjourned.

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 October 2, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
David Friedman
James M. Catterson
Karla Moskowitz, Justices.

-----X
Tivoli Stock LLC, et al.,
Petitioners-Appellants,

-against-

M-2956
Index No. 108052/06

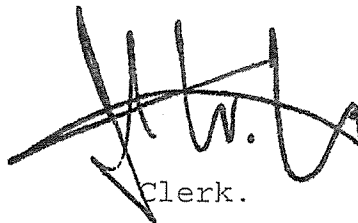
New York City Department of Housing
Preservation and Development, et al.,
Respondents-Respondents.
-----X

Petitioners-appellants having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 29, 2008 (Appeal Nos. 3320-3320A),

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 in the County of New York on October 2, 2008.

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

-----X
Application of Richard A. Williamson,
Liquidating Trustee of Lipper
Covertibles, L.P.,

Petitioner-Appellant,

M-4256
Index No. 604123/07

-against-

Kenneth Lipper, et al.,

Respondents-Respondents.
-----X

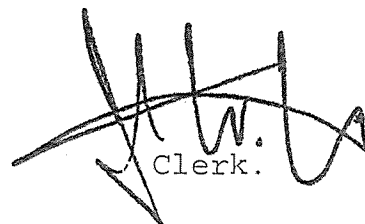
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 7, 2008 (mot. seq. no. 001),

And petitioner-appellant having moved to stay all proceedings in the pending arbitration, 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 and the interim relief granted by an order of a Justice of this Court dated September 2, 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 October 2, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
David Friedman
Milton L. Williams
Karla Moskowitz, Justices.

-----X
Janice Clement,
Plaintiff-Respondent,

-against-

M-4076
Index No. 109799/07

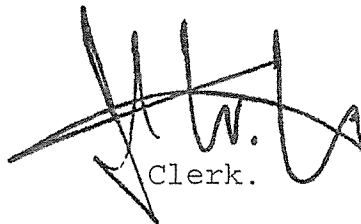
Kateri Residence,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 30, 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 granted to the extent of enlarging appellant's time in which to perfect the appeal to the January 2009 Term, with no further enlargements to be granted.

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 October 2, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Milton L. Williams
Karla Moskowitz, Justices.

-----X
Alida Rodriguez,

Plaintiff-Appellant,

-against-

Ford Motor Company, et al.,

Defendants-Respondents.
-----X

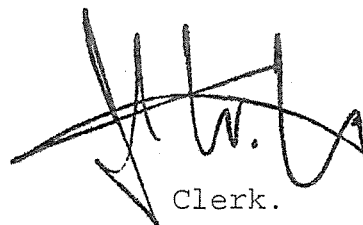
M-4052
Index No. 15703/99

Plaintiff-appellant 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 October 15, 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 January 2009 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

Present : Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Richard T. Andrias
Eugene Nardelli, Justices.

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

Respondent,

-against-

M-2749
Ind. No. 10778/95

Samuel Goss, also known as Carlos
Rodriguez,

Defendant-Appellant.
-----X


A decision and order of this Court having been entered on March 22, 2001 (Appeal No. 3593), unanimously affirming the judgment of the Supreme Court, New York County (James Leff, J.), rendered on August 20, 1996,

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 October 2, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Luis A. Gonzalez Justices.
James M. Catterson,

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

Respondent,

-against-

M-3348
Ind. No. 635/95

John Garrick, also known as Garrick,
John,

Defendant-Appellant.
-----X

An order of this Court having been entered on June 3, 2008 (M-1351), denying defendant's motion, in the nature of a writ of error coram nobis, for a review of his claim of ineffective appellate counsel,

And defendant-appellant having moved for reargument of the aforesaid order,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
James M. Catterson, Justices.

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

Respondent,

-against-

M-3783
Ind. No. 7298/00

Tyrone Craig,

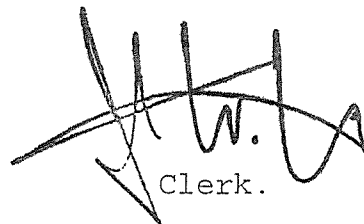
Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on May 27, 2008 (Appeal No. 2453),

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 October 2, 2008.

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

-----X
Chrysoula Frangos,
Plaintiff-Appellant,

-against-

M-4251
Index No. 106174/08

85th Estates Company,
Defendant-Respondent.

-----X

An appeal having been taken by plaintiff-appellant from the order of the Supreme Court, New York County, entered on or about August 19, 2008 (mot. seq. no. 001),

And plaintiff-appellant having moved to stay all proceedings herein including time constraints with respect to the acceptance of a certain lease, 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 upon the terms and conditions of the order of a Justice of this Court dated September 2, 2008 and upon further condition that the appeal is perfected for the January 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

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

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

Respondent,

-against-

M-1953
Ind. No. 464/04

Carmelo Rivera,

Defendant-Appellant.
-----X

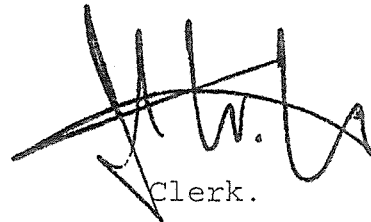
A decision and order of this Court having been entered on December 11, 2007 (Appeal No. 2317), unanimously affirming the judgment of the Supreme Court, Bronx County (Megan Tallmer, J.), rendered on August 23, 2005,

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 October 2, 2008.

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

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

-against-

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

M-4427
M-4428
Index No. 602309/07

Defendant-respondent having moved by separate motions for an adjournment of the appeal taken from the order and amended order of the Supreme Court, New York County, entered on or about April 23, 2008 and April 25, 2008 (mot. seq. no. 001) (Calendar No. 1441) and the appeal taken from the order of said Court entered on or about July 17, 2008 (mot. seq. no. 003) (Calendar No. 1863), said appeals having been perfected,

Now, upon reading and filing the stipulation of the parties hereto, dated September 29, 2008, withdrawing the motions without prejudice, and due deliberation having been had thereon,

It is ordered that the motions are deemed withdrawn in accordance with the aforesaid stipulation.

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 October 2, 2008.

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

-----X
In the Matter of the Application of
Cornisha Cherry,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-3894
Index No. 113221/07

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 2, 2008 (mot. seq. no. 001), for leave to have the appeal heard upon the original record and a reproduced petitioner-appellant's brief, and for a stay of eviction 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 to the extent of permitting the appeal to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner-appellant serves one copy of such brief upon the attorney for the respondent-respondent and file 10 copies of such brief, together with the original record, with this Court. Petitioner-appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The motion is otherwise denied.

E N T E R:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
David Friedman
Rolando T. Acosta, Justices.

-----X
Stuart Bitterman, M.D.,
Plaintiff-Respondent,

-against-

Metropolitan Life Insurance Company,
Defendant-Appellant.

M-4103
Index No. 118689/06

-----X
Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about November 20, 2007 (mot. seq. no. 001),

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Kiran Ali, et al.,
Plaintiffs-Respondents,

-against-

M-2646
Index Nos. 25595/04
84538/05

Zahid R. Khan, et al.,
Defendants-Appellants.

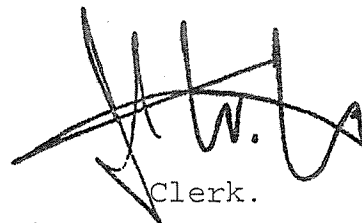
-----X
(And a Third-Party Action)
-----X

Plaintiffs-respondents having moved for reargument of the decision and order of this Court entered on April 15, 2008 (Appeal No. 3381),

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 October 2, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Milton L. Williams
Dianne T. Renwick, Justices.

-----X
Edward J. Brown, Sr.,
Plaintiff-Appellant,

-against-

M-3265
Index No. 115994/05

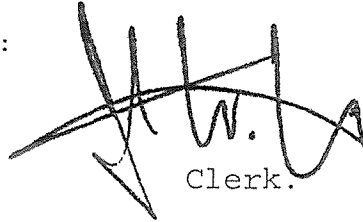
445 East 85th Street, LLC, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on June 19, 2008 (Appeal No. 3977),

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 October 2, 2008.

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

-----X
Wooster 76, LLC,

Plaintiff-Respondent,

-against-

M-2757
Index No. 111970/04

David Ghatanfard, et al.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 1, 2008 (Appeal No. 3567),

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 October 2, 2008.

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

-----X
In the Matter of the Application of
William Kyle, et al.,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78
of the CPLR,

M-4418
Index No. 110838/07

-against-

Hon. Gerald Lebovits, JHC, et al.,
Respondents-Respondents.

-----X

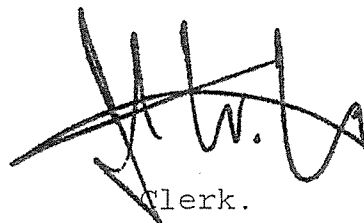
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 1, 2007,

And petitioners-appellants having moved to amend the caption herein to include respondents' successors-in-interest,

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-4318, decided simultaneously herewith.)

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

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

-----X
In the Matter of the Application of
William Kyle, et al.,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78 M-4318
of the CPLR, Index No. 110838/07

-against-

Hon. Gerald Lebovits, JHC, et al.,
Respondents-Respondents.
-----X

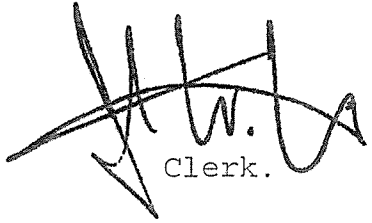
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 1, 2007,

And petitioners-appellants having moved for leave to file a supplemental record,

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

It is ordered that the supplemental record submitted with the moving papers herein proposed is deemed filed. (See M-4418, decided simultaneously herewith.)

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

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

-----X
Tenber Associates,
a New York limited partnership,
Petitioner-Respondent,

-against-

M-3380
Index No. 570948/05

Bloomberg L.P.,
a Delaware limited partnership, etc.,
Respondent-Appellant,

"John Doe," et al.,
Respondents.

-----X

Respondent-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 27, 2008 (Appeal No. 3727),

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 October 2, 2008.

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

-----X
Dominique Bazin, et al.,
Plaintiffs-Respondents,

-against-

Walsam 240 Owner, LLC,
Defendant-Appellant.

M-4171
Index No. 103583/07

-----X

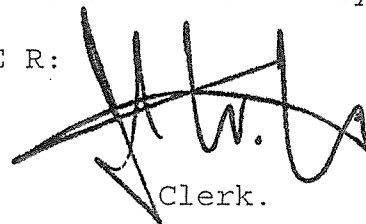
Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about November 8, 2007 (mot. seq. no. 001) and June 6, 2008 (mot. seq. no. 002), respectively,

And defendant-appellant having moved for a stay of enforcement of the aforesaid orders pending hearing and determination of the 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 to the extent of continuing the interim stay afforded by the order of a Justice of this Court, dated August 27, 2008, on condition that appellant perfects the appeal on or before December 8, 2008 for the February 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiffs-respondents serve a copy of this order upon defendant-appellant within 10 days after the date of entry hereof.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

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

-----X
Julius H. Schoeps,
Plaintiff-Appellant,

-against-

M-4232
Index No. 116768/06

The Andrew Lloyd Webber Art
Foundation,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about November 26, 2007 (mot. seq. no. 001),

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to on or before November 10, 2008 for 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 October 2, 2008.

PRESENT - Hon: David B. Saxe, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Annette Quinones,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4006
Index No. 109716/07

New York State Office of Children
and Family Services,
Respondent.

-----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 10, 2007, to review a determination of respondent,

And an order of this Court having been entered June 17, 2008 (M-2746) denying petitioner's motion for leave to prosecute the proceeding as a poor person, and for an enlargement of time in which to perfect the proceeding,

And defendant having renewed his motion for said 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 deemed one for reargument, and as such is denied, and sua sponte 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 October 2, 2008.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,
John T. Buckley
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Melvin Arias,
Plaintiff-Appellant,

-against-

Bronx-Lebanon Hospital Center, et al.,
Defendants-Respondents.

M-4023
Index No. 15075/02

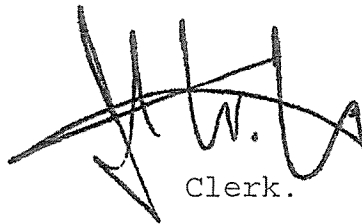
-----X

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about May 2, 2007,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,
John T. Buckley
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
James Lastra,
Plaintiff-Appellant,

-against-

M-4059
Index No. 1468/07

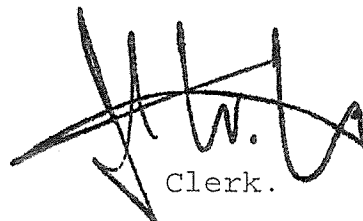
Columbia University, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about November 14, 2007, 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 the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 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. Appellant's time in which to perfect the appeal is enlarged to on or before December 8, 2008 for the February 2009 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
John T. Buckley
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

-against-

M-3986
Ind. No. 4892/07

Erik Nunez,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 27, 2008, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, 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 October 2, 2008.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
John T. Buckley
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

Respondent,

-against-

M-3962
Ind. No. 6101/07

Amaury Arrieta, also known as
Amauru Arrieta,

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 15, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$25,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on October 2, 2008.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
John T. Buckley
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Joan Chaturvedi,
Plaintiff-Respondent,

-against-

M-3892
Index No. 350689/04

Niraj Chaturvedi,
Defendant-Appellant.
-----X


Appeals having been taken from the judgment of the Supreme Court, New York County, entered on or about June 11, 2008, from the order and judgment (one paper) of said Court, also entered on or about June 11, 2008, and purportedly from the memorandum trial decision of said Court, dated December 11, 2007,

And defendant-appellant having moved to stay enforcement of the aforesaid judgment of the Supreme Court, entered on or about June 11, 2008 and for an anticipatory stay of any contempt proceedings and/or warrant of arrest predicated upon the aforesaid judgment and/or order 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.

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 2, 2008.

PRESENT: Hon. Luis A. Gonzalez, Justice Presiding,
John T. Buckley
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
Time Warner Cable of New York City,
etc.,
Plaintiff-Respondent-Appellant,

-against-

Hylan Datacom & Electrical, Inc.,
etc., et al.,

M-3995
Index No. 107798/05

Defendants-Respondents,

New Hampshire Insurance Company, etc.,
Defendant-Appellant-Respondent,

Diamond State Insurance Company,
Defendant-Appellant-Respondent.

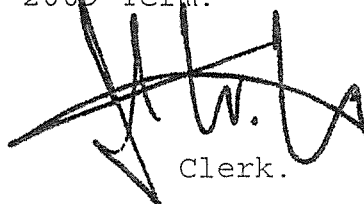
-----X

Defendant-appellant-respondent Diamond State Insurance Company having moved for an enlargement of time in which to perfect the consolidated appeals taken from the order of the Supreme Court, New York County, entered on or about April 26, 2007 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals and cross appeal to the January 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
John T. Buckley
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Kareem B.,

M-4007

A Person Alleged to be a Juvenile
Delinquent,

Docket No. E10257/07

Respondent-Appellant.
-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about November 9, 2007,

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 2, 2008.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,
John T. Buckley
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

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

-against-

M-3919A
Ind. No. 3948/04

David Robinson,
Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about May 13, 2005,

And defendant-appellant proceeding pro se having moved for an order directing the transcription of minutes of proceedings held on January 18, 2005 and to enlarge the record on appeal to include said minutes 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 directing the Clerk of the Supreme Court, New York County, to have transcribed all the minutes of the January 18, 2005 proceedings for inclusion in the record on appeal, within 30 days from the date of service upon the Clerk of a copy of this order, which appellant is directed to serve upon the Clerk of Supreme Court, New York County within 20 days from the date of entry hereof. The appeal is adjourned to the February 2009 Term. The order of this Court entered on September 30, 2008 (M-3919), is hereby recalled and vacated.

ENTER:



Clerk.

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

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

-----X
In the Matter of

Justin T.,
Malik T.,

Dependent Children under 18 Years
of Age Alleged to be Abused and/or
Neglected Pursuant to Article 10
of the Family Court Act.

- - - - -
Administration for Children's
Services,
Petitioners-Respondents,

M-4626
Docket No. NN16193/08
NN16194/08

Gail B.,
Respondent-Respondent,

Louis T.,
Non-Respondent-Appellant.

- - - - -
Steven Banks, Esq.,
Law Guardian for the Children.

-----X

An appeal having been taken from an order of the Family Court,
Bronx County, entered on or about September 22, 2008,

And, non-respondent-appellant father having moved this Court for
an order paroling the subject children to him 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; movant may, if so
advised, perfect his appeal, which is afforded a statutory preference
(see Family Court Act § 1112[a]) as expeditiously as possible pursuant
to this Court's Rules (see 22 NYCRR §§ 600.6, 600.11 [1] and 600.12
[a] [1]).

Dated: New York, New York
September 25, 2008



Richard T. Andrias
Associate Justice

Entered: October 2, 2008.

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-4555
Ind. No. 1829/07

-against-

ORDER DENYING ROR OR
BAIL PENDING
SENTENCE

Tommy Figueroa,

Defendant

-----X

The above-named defendant having moved, pursuant to CPL 460.50 and 530.50 for an order of recognizance or to be admitted to bail pending sentence in the Supreme Court, Bronx County,

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

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

Dated: New York, New York

September 26, 2008



Justice of the Appellate Division

Entered: October 2, 2008