

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 9, 2008.

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

-----X
Teisha Wright,
Plaintiff-Respondent,

-against-

M-4177
Index No. 102299/05

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

Anthony Vaval,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 14, 2007,

And defendant-appellant Anthony Vaval having moved for an enlargement of time in which to perfect the appeal,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from counsel for defendant-appellant Vaval, dated September 15, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is deemed withdrawn in accordance with the aforesaid correspondence, the underlying action having been settled.

ENTER:


Clerk.

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

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

-----X
Richard N. Djeddah,

Plaintiff-Respondent,

-against-

M-4507X
Index No. 350094/00

Rachel Djeddah,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 20, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 17, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 9, 2008.

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

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

-against-

M-4526
Ind. No. 15105/90

Fred Jameson, also known as Ronald
Jenkins, also known as Fred Jenkins,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 22, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated September 18, 2008, and due deliberation having been had thereon, it is

Ordered that the appeal is 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 9, 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-4527
Ind. No. 4718/05

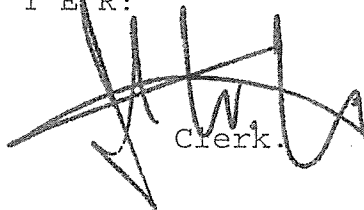
Hector Fernandez,
Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about November 2, 2005,

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

Ordered that the appeal is 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 9, 2008.

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

-----X
Alberta Harris,
Plaintiff-Respondent,

-against-

City of New York Health & Hospitals
Corporation,
Defendant-Appellant,

M-4195
Index No. 23088/03

-and-

"Aramark" Corporation,
Defendant.

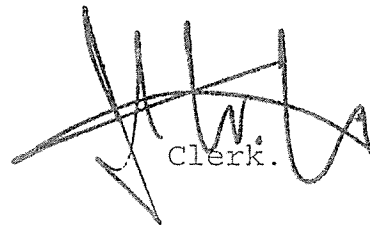
-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about May 21, 2008,

Now, upon reading and filing the papers with respect to the motion, and the correspondence of municipal defendant-appellant, dated and filed on September 16, 2008 withdrawing the aforesaid appeal, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the appeal withdrawn.

ENTER:


Clerk.

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

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

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

-against-

M-4272
Ind. No. 5846/97

Keith Graham, also known as
Derrick Kitt,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 5, 2007,

And defendant-appellant having moved to dismiss the 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 motion is granted and the appeal is deemed withdrawn.

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 9, 2008.

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

-----X
In the Matter of Proceeding for the
Guardianship of

Andrew W.,

M-4558

Docket No. G30165/06

A Dependent Child Under 18 Years of
Age Pursuant to Article 6 of the
Family Court Act.

Thomasena W., also known as
Thomasina, W.,
Petitioner-Appellant,

-against-

Peter W.,
Respondent,

Administration for Children's Services,
Respondent-Respondent,

Marcia B.,
Respondent-Respondent.

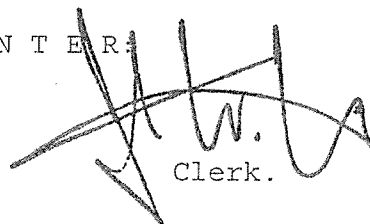
Steven Banks, Esq.,
Law Guardian for the Child.

-----X
An appeal having been taken from the order of the Family Court,
Bronx County, entered on or about September 11, 2007,

Now, upon reading and filing the stipulation of the parties
hereto, filed September 19, 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 October 9, 2008.

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

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

-against-

M-4373
Ind. No. 1167/02


Estaban Fernandez,
Defendant-Appellant.
-----X

The People having moved for dismissal of the appeal taken from a judgment of the Supreme Court, Bronx County, rendered on or about September 5, 2003,

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 9, 2008.

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

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

-against-

M-3914
Ind. No. 2221/01

Richard Douehi, also known as
Richard Doueihi, also known as
Richard Doueili, also known as
Richard Doueini,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about February 4, 2002,

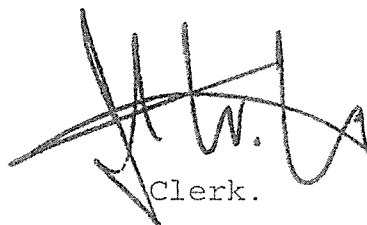
And, an order of this Court having been entered on July 29, 2008 (M-2852) dismissing said appeal,

And, plaintiff having moved to reargue and vacate the aforesaid order 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 9, 2008.

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

-----X

In the Matter of

Cherie Odessa Toni C. and
Carlo Orlando Jesus C.,

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

Administration for Children's Services,
et al.,
Petitioners-Respondents,

M-4071
M-4072
Docket Nos. B25717/04
B25716/04

Sherry Annette C.,
Respondent-Appellant.

Ruth Ann Litsky, Esq., Law Guardian for
the Child, Cherie Odessa Toni C.,

Robert Himmelman, Esq., Law Guardian for
the Child, Carlo Orlando Jesus C.

-----X

Respondent-appellant having separately moved for leave to prosecute, as a poor person, the appeals from the orders of the Family Court, Bronx County, both entered on or about February 6, 2008, and for assignment of counsel, a free copy of the transcript, (Carlo Orlando Jesus C., Docket No. B25716/04 [M-4072]) (Cherie Odessa Toni C., Docket No. B25717/04 [M-4071]), and 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 (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Robin Steinberg, Esq., The Bronx

Defenders, 860 Courtlandt Avenue, Bronx, New York 10451, Tel. No. 718-838-7878, as counsel, for purposes of prosecuting the appeals; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect the appeals until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court. (See M-4071A/M-4072A, decided simultaneously herewith.)

E N T E R:



Clerk.

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

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

BEFORE: Hon. Milton L. Williams
Justice of the Appellate Division

-----X
In the Matter of

Cherie Odessa Toni C. and
Carlo Orlando Jesus C.,

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

Administration for Children's Services,
et al.,
Petitioners-Respondents,

M-4071A
M-4072A
Docket Nos. B25717/04
B25716/04

Sherry Annette C.,
Respondent-Appellant.

Ruth Ann Litsky, Esq., Law Guardian for
the Child, Cherie Odessa Toni C.,

Robert Himmelman, Esq., Law Guardian for
the Child, Carlo Orlando Jesus C.

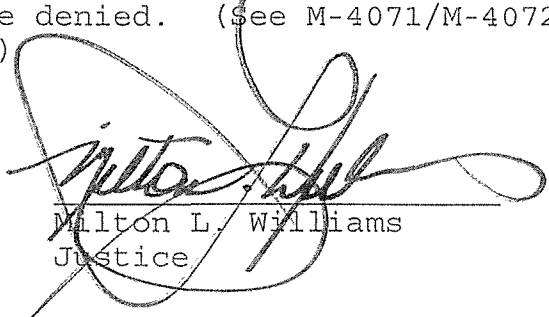
-----X

Respondent-appellant having moved for an order, inter alia,
staying adoption proceedings pending hearing and determination of
the appeals taken from the orders of the Family Court, Bronx
County, both entered on or about February 6, 2008 (Carlo Orlando
Jesus C., Docket No. B25716/04 [M-4072]) (Cherie Odessa Toni C.,
Docket No. B25717/04 [M-4071]),

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 denied. (See M-4071/M-4072,
decided simultaneously herewith.)

Dated: September 23, 2008
New York, New York



Milton L. Williams
Justice

ENTERED: October 9, 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 October 9, 2008.

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

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

-against-

M-4205
Ind. No. 1020/03

Christopher McCoy,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of resentence of the Supreme Court, New York County, rendered on or about July 2, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

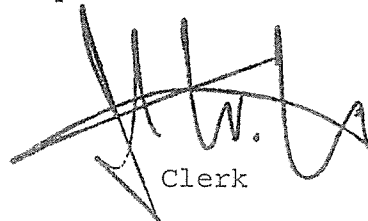
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 9, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
Eugene Nardelli
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
John Hon, et al.,
Plaintiffs-Respondents-Appellants,

-against-

M-4051

M-4158

Prince Development Company, LLC,
et al.,
Defendants-Respondents,

Index No. 602236/04

Generation Building Company, LLC,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 30, 2007,

And plaintiffs-respondents-appellants (M-4051) and defendant-appellant (M-4158) having moved by separate motions for an enlargement of time in which to perfect said appeal and cross appeal,

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

It is ordered that the motion and cross motion are granted to the extent of enlarging the time in which to perfect the appeal and cross 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 October 9, 2008.

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

-----X
Wendell Tsao,
Plaintiff-Appellant,

-against-

M-4109
Index No. 108095/07

Goldberg, Scudieri & Block, P.C.,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about October 9, 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 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 9, 2008.

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

-----X
In the Matter of the Application of
Lutgarda Hernandez,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

M-4148
Index No. 405628/07

-against-

Department of Housing Preservation
and Development,
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 November 29, 2007 (mot. seq. no. 001), to review a determination of respondent,

And petitioner having moved for an enlargement of time in which to perfect the proceeding,

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 proceeding to the March 2009 Term.

E N T E R :


Clerk

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

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
David Friedman
Milton L. Williams
Rolando T. Acosta, Justices.

-----X
Mark Leyse, Individually and on
Behalf of All Others Similarly
Situating,
Plaintiff-Appellant,

M-3264
Index No. 100792/05

-against-

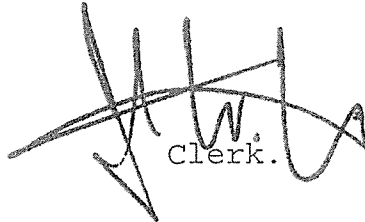
Domino's Pizza LLC,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 28, 2008 (Appeal No. 2925),

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 October 9, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzaelli
David Friedman
Milton W. Williams
Karla Moskowitz, Justices.

-----X
In the Matter of

Errol S., Jr.
Huntley S.,

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

M-4020
Docket Nos. NN 14903-06
NN 14904-06

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

Errol S.,
Respondent-Appellant.

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

-----X


Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about June 25, 2008, and for assignment of counsel, a free copy of the transcript, 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 (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, New York 10528, Telephone No. 914-834-3053, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk,

the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 60 days of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

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 9, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Milton L. Williams
James M. McGuire, Justices.

-----X

Acme Supply Co., Ltd.,
Plaintiff-Respondent,

-against-

M-3443

Index No. 110995/03

City of New York,
Defendant-Appellant.


-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 17, 2007 (Appeal No. 378),

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 October 9, 2008.

Present - Hon. Peter Tom, Justice Presiding,
John T. Buckley
John W. Sweeny, Jr.
Karla Moskowitz, Justices.

-----X
FCI Group, Inc.,
Plaintiff-Respondent,

-against-

M-4082
Index No. 109559/06

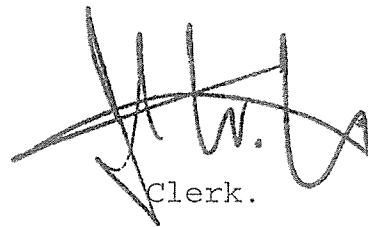
The City of New York, et al.,
Defendants-Appellants.
-----X

Plaintiff-respondent 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 July 22, 2008 (Appeal No. 3029),

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 October 9, 2008.

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

-----X
Joan M. Kenney, et al.,
Plaintiffs-Respondents,

-against-

M-4060
Index No. 811/02

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

Excel Industries,
Defendant-Appellant.


-----X

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

E N T E R:


Clerk.

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

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

-----X
Harvey Axelrod, doing business as
S. Axelrod Co.,
Plaintiff-Appellant,

-against-

M-4455
Index No. 602783/06

Magna Carta Companies, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 14, 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 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 9, 2008.

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

-----X
Howard B. Spivak Architect, P.C.,
Plaintiff-Appellant,

-against-

M-4461
Index No. 118165/06

Henry Zilberman, et al.,
Defendants-Respondents.

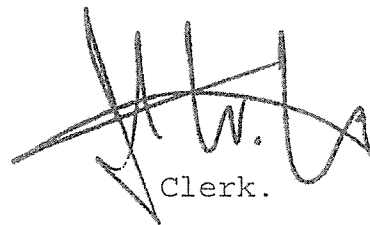
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 29, 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 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 9, 2008.

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

-----X
Evelyn Santiago, as Administratrix
of the Estate of Edgar A. Torres,
Plaintiff-Appellant,

-against-

M-4113
Index No. 26094/01

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

Plaintiff-appellant having moved for an enlargement of time in which to perfect the amended appeal taken 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 to the extent of enlarging appellant's time in which to perfect the appeal to the January 2009 Term.

E N T E R:


Clerk.

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

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

-----X
AWL Industries, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-3950
Index No. 600275/06

QBE Insurance Corp.,
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 October 17, 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 appellant's time in which to perfect the appeal to the February 2009 Term.

E N T E R:


Clerk.

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

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

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

-against-

Francisco Diaz Torres,
Defendant-Appellant.

M-3856
Ind. No. 3928/07
Case No. 55850C/07

-----X

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

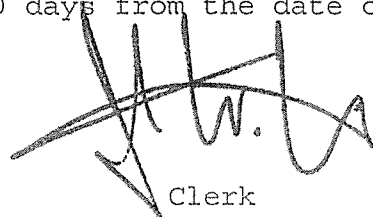
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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 October 9, 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

Precious W., also known as
Precious Ebony W.,

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

- - - - -
Family Support Systems Unlimited,
Inc.,
Petitioner-Respondent,

M-3947

Docket No. B30104/06

Carol R.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq., Legal Aid
Society, Juvenile Rights Division,
Law Guardian for the Child.

-----X

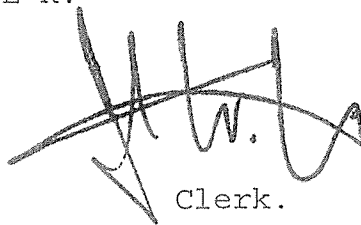
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about May 30, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Robin Steinberg, Esq., The Bronx Defenders, 860 Courtlandt Avenue, Bronx, New York 10451, Tel. No. 718-838-7878, as counsel, for purposes of prosecuting the

appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

E N T E R:



Clerk.

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

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 9, 2008.

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

-----X
Amy Fabrikant,

Plaintiff-Respondent,

-against-

Jay A. Fabrikant,

Defendant-Appellant.
-----X

M-4133
Index No. 350394/04

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of divorce of the Supreme Court, New York County, entered on or about December 12, 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 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 9, 2008.

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

-----X

In the Matter of

Aaron Lawrence P.,

A Child Under the Age of 18 Years
Pursuant to §384-b of the Social
Services Law of the State of
New York.

M-4459

Docket No. B-21061/02

- - - - -
Graham-Windham, et al.,
Petitioners-Respondents,

Juan C. P.,
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, Bronx County, entered on or about November 21, 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 on or before November 10, 2008 for 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 9, 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-3963
Ind. No. 7180/03

Raymond Larkin,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about June 23, 2008 (Carro, J.), for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

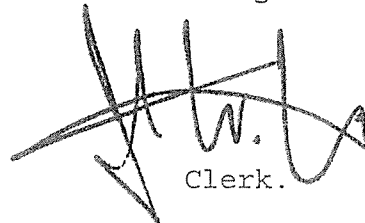
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court, and it is further ordered that,

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL § 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Carro, as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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

E N T E R:


Clerk.

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

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

-----X
William Vera, as Administrator of
the Estate of Elba Vera, deceased,
and William Vera, individually,
Plaintiff-Appellant,

M-3984
Index No. 22539/00

-against-

Montefiore Medical Center, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved to deem the notice of appeal from the order of the Supreme Court, Bronx County, entered on or about April 18, 2007, to be a timely filed notice of appeal from the judgment entered on or about July 11, 2007,

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

Ordered that the motion is granted to the extent of deeming the notice of appeal from the order entered on or about April 18, 2007 to be a timely filed notice of appeal from the judgment entered July 11, 2007. It is further ordered that, sua sponte, the appeal taken from the order entered on or about April 18, 2007 is dismissed as subsumed within the appeal taken from the judgment entered on or about July 11, 2007.

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 9, 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-

Richard Herndon,

Defendant-Appellant.

M-4034
Ind. Nos. 2708/84
3373/84
6264/89

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 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.

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 9, 2008.

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

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

-against-

M-4117
Ind. No. 5387/06

Richard Diaz, also known as Richard
Aneuris Diaz,
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 June 1, 2007, 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.

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 9, 2008.

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

-----X
Egidio A. Farone,
Plaintiff-Respondent,

-against-

M-3316
Index No. 109058/04

Hunter Mountain Ski Bowl, Inc.,
et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 29, 2008 (Appeal No. 3768),

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.

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

BEFORE: Hon. Milton L. Williams
Justice of the Appellate Division

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

M-4244
Ind. No. 11891/88

-against-


CERTIFICATE
DENYING LEAVE

DEREK ROGERS,
Defendant.

-----X

I, Milton L. Williams, 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 Orders of the Supreme Court, New York County, entered on or about May 28, 2008 and July 30, 2008, is hereby denied.

Dated: New York, New York
October 2, 2008


Justice of the Appellate Division

Entered: October 9, 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 October 9, 2008.

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

-----X
Wendy S. Popowich,
Plaintiff-Respondent,

-against-

M-4565
Index No. 350290/01

Jason Korman,
Defendant-Appellant.

-----X

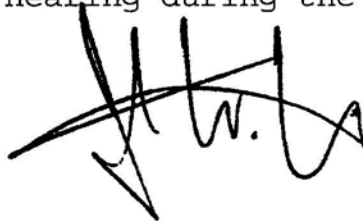
An appeal having been taken from the judgment of divorce of the Supreme Court, New York County, entered on or about December 18, 2006,

And defendant-appellant having moved for, inter alia, an order striking plaintiff-respondent's "corrected brief", and for the imposition of sanctions,

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 plaintiff-respondent's corrected brief is deemed filed nunc pro tunc to September 8, 2008; sua sponte, defendant-appellant's time to file the reply brief is extended to October 20, 2008. The Clerk is directed to calendar the appeal for hearing during the later half of the November 2008 Term.

ENTER:



Clerk.