

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 14, 2008.

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

-----X
Aram Babikian,
Plaintiff-Appellant,

-against-

Nikki Midtown, LLC and JJMAG Restaurant
Corporation,
Defendants-Respondents,

M-4581
Index No. 112320/06

Christopher Berlingo,
Defendant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 2, 2007 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, dated September 17, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 14, 2008.

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

-----X
Louis Martinez,
Plaintiff-Respondent,

-against-

M-4559
Index No. 107962/05

Richard Murdock, doing business as
Smith Murdock Company,
Defendant,

The Board of Managers of
The Bindery Condominiums,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about June 6, 2008,

Now, upon reading and filing the papers with respect to the motion including the stipulation of the parties dated August 14, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2008.

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

-----X
452 Fifth Avenue Watch Co., Inc.
Plaintiff-Respondent,

-against-

M-4561X
Index No. 600839/08

HSBC Bank USA,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 8, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 18, 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 14, 2008.

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

-----X
Dhariya Bhatnagar,
Plaintiff-Appellant,

-against-

M-4570X
Index No. 107998/06

Coach, Inc.,
Defendant-Respondent.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 22, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2008.

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

-----X
Empire Purveyors, Inc., and The
Estate of Antonio Pinto,
Plaintiffs-Appellants,

-against-

M-4620X
Index No. 603282/06

Eileen Diane Weinberg,
Defendant-Respondent.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 26, 2008 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 24, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2008.

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

-----X
Dalia Beeber,
Plaintiff-Respondent,

-against-

M-4621X
Index No. 300309/95

Allen J. Beeber,
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 (mot. seq. no. 011),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 24, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2008.

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

-----X
Hugo Nunez,
Plaintiff-Respondent,

-against-

M-4622X
Index No. 114538/03

Laurence Levy, et al.,
Defendants-Appellants.
-----X

[And a third party action]
-----X

Index No. 591184/03

Defendants Laurence Levy, et al., and third-party defendant Diamond Demolition, Inc. having separately taken appeals from the order of the Supreme Court, New York County, entered on or about April 17, 2008 (mot. seq. nos. 007 and 008),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 23, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2008.

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

-----X
Bongo Apparel Inc.,
Plaintiff-Appellant,

-against-

M-4624X
Index No. 601903/06

Iconix Brand Group, Inc., formerly
known as Candie's Inc. and IP
Holdings, LLC,
Defendants-Respondents.

-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 23, 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 14, 2008.

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

-----X
James Coleman,
Plaintiff-Respondent,

-against-

M-4625X
Index No. 24930/05

New York City Transit Authority,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about November 15, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 23, 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 14, 2008.

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

-----X
Michael Nee,
Plaintiff-Respondent,

-against-

M-4629X
Index No. 112682/04

1345 Fee Limited Partnership, et al.,
Defendants-Appellants.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 18, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 24, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2008.

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

-----X
Michael Sorkin, doing business as
Michael Sorkin Studio,
Plaintiff-Respondent,

-against-

M-4632X
Index No. 600458/06

Margie Ruddick, doing business as
Margie Ruddick Landscape,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 24, 2007 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 24, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on October 14, 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-4410
Ind. No. 9215/98

Louis Batts,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the amended commitment order (Farber, J.) of the Supreme Court, New York County, entered on or about August 14, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

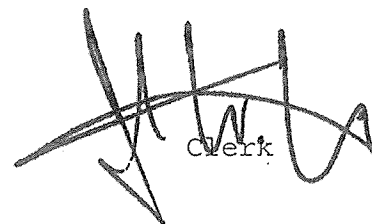
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of the proceedings held before Justice Farber. 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 14, 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-4413
Ind. No. 6691/03

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

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of resentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 14, 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-4415
Ind. No. 2212/07

Joshua Martell,
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 December 18, 2007, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Steven 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 14, 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-4416
Ind. No. 4625/06

Bruce Sweeper,
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 14, 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-4436
Ind. No. 2680/01

Wilfredo Martinez,
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 13, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

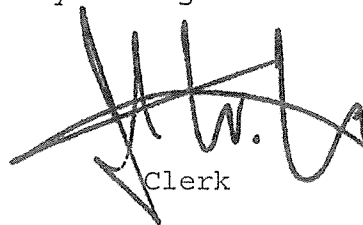
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 14, 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-4446
Ind. No. 2478/06

John A. Cuoco,
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 October 11, 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.

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 14, 2008.

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

-----X

In the Matter of

Alicia Monique S., also known as
Alicia S.,

M-4156
Docket No. B12133/01

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

- - - - -
Leake & Watts Services, Inc.,
et al.,
Petitioners-Respondents,

Oswald S.,
Respondent-Appellant.

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

-----X


Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about May 19, 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, Patricia Jellen, Esq., 245 Park Drive, Eastchester, NY 10709, Telephone No. 914-793-7534, 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.

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 14, 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,

Appellant,

-against-

M-3929A
Ind. No. 912/00

Anthony Johnson, also known as
Isaih Basket,

Defendant-Respondent.
-----X

Defendant-respondent having moved for leave to respond, as a poor person, to the People's appeal from an order of the Supreme Court, New York County, entered on or about December 20, 2007, 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 (1) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for the People and 10 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 722 of the County Law, Steven Banks, Esq., 199 Water Street, 5th Fl., New York, NY 10038, Tel. No. (212) 577-3688, as counsel for purposes of responding to the appeal. The order of this Court entered on September 23, 2008 (M-3929), is hereby recalled and vacated.

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 14, 2008.

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

-----X
Double C Realty Corp.
Plaintiff-Appellant,

-against-

M-4589
Index No. 7601/07

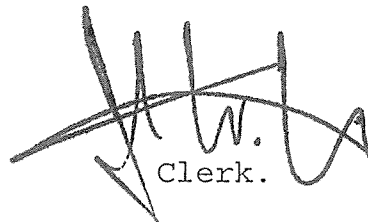
Craps LLC,
Defendant-Respondent.
-----X

Defendant-respondent having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about July 11, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 2008 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 14, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
Nancy Kohlasch,
Plaintiff-Appellant,

-against-

M-4315
Index No. 108527/07

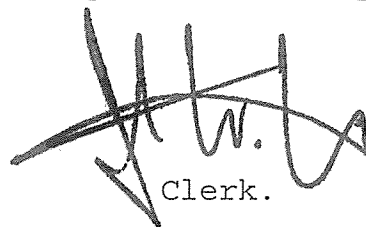
Staples the Office Superstore
East, Inc.,
Defendant-Respondent.
-----X

Plaintiff-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 5, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2009 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2008.

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

-----X
Helen Sanchez,
Plaintiff-Appellant-Respondent,

-against-

M-4147
M-4460
Index No. 25465/02

Morrisania II Associates, et al.,
Defendants-Respondents-Appellants.

-----X

Plaintiff having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about May 31, 2007 (M-4147),

And defendants having cross-moved for an enlargement of time in which to perfect their cross appeal taken from the aforesaid judgment (M-4460),

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 of the respective parties in which to perfect the appeal and cross 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 14, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
John Mattesich,
Plaintiff-Respondent,

-against-

Hayground Cove Asset Management, LLC,
et al.,
Defendants-Appellants,

David Schrader,
Defendant.
-----X

SEALED

M-4161

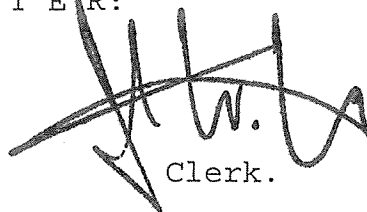
Index No. 102512/07

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 15, 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 denied, without prejudice to seeking such relief in Supreme Court.

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 14, 2008.

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

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

Ernest A. Hunter,
Petitioner-Appellant,

M-3936
Index No. 110704/07

For a Judgment Pursuant to
Article 78 of the CPLR,

-against-

Commissioner of the Division of
Housing and Community Renewal:
Office of Rent Administration,
Respondent-Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about April 16, 2008 (mot. seq. no. 001),

And petitioner-appellant having moved for an order permitting petitioner to utilize the appendix method to perfect the aforesaid appeal, and to consolidate said appeal with the appeals from any subsequent orders,

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

Ordered that the motion is granted only to the extent of authorizing the use of the appendix method on appeal from the order entered on April 16, 2008 and directing petitioner to comply with 22 NYCRR 600.10(c). The motion is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2008.

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

-----X
Silas Quinonez,
Plaintiff-Respondent,

-against-

M-4317
Index No. 108132/05

Manhattan Ford, Lincoln-Mercury, Inc.,
Defendant-Appellant,

All Taxi Management, Inc., Adroine
Thomas, Khalid Mahmood and All Taxi
Automobile, Inc.,
Defendants-Respondents.

-----X
Manhattan Ford, Lincoln-Mercury, Inc.,
Third-Party Plaintiff-
Respondent-Appellant,

-against-

Third-Party
Index No. 590093/06

Laz Parking of New York/New Jersey, Inc.,
Third-Party Defendant-
Appellant-Respondent.

-----X
Manhattan Ford, Lincoln-Mercury, Inc.,
Second Third-Party
Plaintiff-Appellant,

-against-

Second Third-Party
Index No. 590768/06

Khalid Mahmood and All Taxi Automobile,
Inc.,
Second Third-Party
Defendants-Respondents.

-----X

-----X
 Laz Parking of New York/New Jersey, Inc.,
 Third Third-Party
 Plaintiff-Appellant,

-against-

Third-Third Party
Index No. 659083/06

All Taxi Automobile, Inc., All Taxi
 Management, Inc., Adroine Thomas
 and Mahmood Khalid,
 Third Third-Party
 Defendants-Respondent.


-----X

Third-party defendant-appellant-respondent/third third-party plaintiff-appellant Laz Parking of New York/New Jersey, Inc. having moved for a stay of proceedings including trial pending hearing and determination of movant's appeal taken from the order of the Supreme Court, New York County, entered on or about March 4, 2008 (mot. seq. nos. 001, 002 and 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.

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 14, 2008.

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

-----X
Calvin Chang and Man-Sim Chang,
Plaintiffs-Appellants.

-against-

M-4660
Index No. 16518/05

Jajaira F. Rodriguez, et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about November 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 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 14, 2008.

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

-----X
Daniel J. Busa, et al.,
Plaintiffs-Respondents,

-against-

M-4067 & M-4355
Index No. 117073/05

Costco Wholesale Corporation,
etc., et al.,
Defendants,

General Snow Service, Inc.,
etc.,
Defendant-Appellant.

-----X

Defendant Costco Wholesale Corporation having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 14, 2008 (mot. seq. nos. 001 and 002),

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

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

It is ordered that the motion to dismiss the appeal is denied and, sua sponte, the matter is remanded to the Referee's Office of the Supreme Court, New York County, for a traverse hearing on the issue of the timeliness of service of the notice of appeal, with leave to the respective parties to seek an order of this Court confirming or disaffirming the report of the referee. The cross motion to stay trial is granted.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2008.

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

-----X
In the Matter of a Proceeding for
Support Under Article 4 of the
Family Court Act,

Commissioner of Social Services
on behalf of

M-4314
Docket No. F16375/04

Maudlyn V. R.,
Petitioner-Assignor-Respondent,

-against-

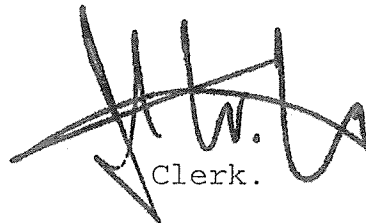
Paul C.,
Respondent-Appellant.

-----X
Respondent-appellant having moved for consolidation of the appeals taken from the orders of the Family Court, New York County, entered on or about March 30, 2007 and August 19, 2008 respectively,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals. The time in which to perfect the consolidated appeals is enlarged to the March 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2008.

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

-----X
Yddo, Inc., doing business as
Café Bari,
Plaintiff,

-against-

M-4708
Index No. 113078/08

Police Department of City of New York,
et al.,
Defendants.

-----X

Plaintiff having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about September 26, 2008,

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

It is ordered that the motion is denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2008.

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

-----X
Merrick Mahoney,
Plaintiff-Respondent,

-against-

M-4280
Index No. 14806/00

Turner Construction Co. and
FDA Queens, L.P.,
Defendants-Respondents,

Williams Machinery Movers, Inc.,
Williams Transfer & Rigging, Inc.,
Mike Williams Transfer, Inc.,
Michael Williams and Williams
Specialized Services, Inc.,
Defendants-Appellants.

-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 2, 2008,

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

It is ordered that the motion is granted.

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 14, 2008.

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

-----X
In the Matter of the City of
New York,
Petitioner-Appellant,

-against-

M-4482
Index No. 404661/06

Antonia C. Novello, etc., et al.,
Respondents-Respondents.

-----X

Petitioner-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 January 9, 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 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 14, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
David Friedman
James M. Catterson
Rolando T. Acosta, Justices.

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

-against-

Esmeraldo Ciriaco, also known as
Vladimir Pena, also known as
William Francisco, also known as
Bladymir Pena,

Defendant.

M-91
Ind. Nos. 8553/91
2711/91
4328/91

-----X

An order of a Justice of this Court having been entered on July 29, 2008 (M-1763), denying defendant leave to appeal to this Court from the order of Supreme Court, New York County, (Edward McLaughlin, J.) entered on or about July 26, 2007,

And defendant having moved for an extension of time in which to file a notice of appeal from the order of the Supreme Court, New York County, entered on or about July 26, 2007, 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 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 14, 2008.

Present : Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
James M. Catterson
James M. McGuire, Justices.

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

-against-

M-3072
Ind. No. 943/05

Pedro Reyes,

Defendant.

-----X


An order of this Court having been entered on January 24, 2008 (M-6471), denying defendant 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 April 19, 2006, and for leave to prosecute said appeal as a poor person,

And defendant having moved for reargument of the aforesaid order of this Court or, in the alternative, for a writ of error coram nobis, for a review of his claim of ineffective assistance of retained counsel, for the assignment of counsel on a reinstated direct appeal, and for related relief,

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

It is ordered that the motion is denied (See CPL §440.10/ 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 14, 2008.

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

-----X
Stanley Salomon, as Executor of
the Estate of Carl Levine, deceased,
Plaintiff-Appellant,

-against-

M-4358 & M-4595
Index No. 604063/00

Laurette Angsten, et al.,
Defendants-Respondents.

- - - - -
David Fink,
Non-Party Appellant.
-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about July 17, 2007; and appeals having been taken by non-party appellant from the order of said Court entered on or about December 24, 2007 and from the judgment of said Court, entered on or about January 3, 2008, respectively,

And an order of this Court having been entered on June 17, 2008 (M-2119/M-2440), inter alia, consolidating the aforesaid respective appeals; and said consolidated appeals having been perfected for the November 2008 Term of this Court,

And plaintiff-appellant having taken an appeal from the order of the Supreme Court, New York County, entered on or about May 31, 2007,

And defendants-respondents having moved for dismissal of the aforesaid appeal taken from the order entered on or about May 31, 2007 (M-4358),

October 14, 2008

And plaintiff-appellant having cross-moved in opposition to the motion to dismiss and for an order deeming the appeal taken from the order entered on May 31, 2007 to be incorporated in plaintiff's perfected appeal from the order entered on or about July 17, 2007 or, in the alternative, enlarging plaintiff's time to perfect the appeal taken from the order entered on or about May 31, 2007 (M-4595),

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

It is ordered that the motion is granted to the extent of dismissing the appeal taken from the order entered on May 31, 2007. The cross motion is denied, and the aforementioned consolidated appeals are adjourned to the December 2008 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 14, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
In the Matter of the Application of,
Alphonso Simmons,
Plaintiff-Appellant,

-against-

M-4112
Index No. 402554/06

Glenn Goord, Commissioner of the New York Department of Correctional Services,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about June 23, 2008 (mot. seq. no. 002), 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 14, 2008.

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

-----X
Mark Collins,
Plaintiff-Appellant,

-against-

Lorna Sheldon Collins, State of New York,
Office of the District Attorney, ADA Seth
Appelbaum, City of New York, The New York
Police Department, NYPD Warrant Squad
Officers "Doe" NYPD Detective Ericks
Rodriguez,
Defendants-Respondents.

M-4004
Index No. 400020/08

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about July 18, 2008 (mot. seq. nos. 001 & 002),

And plaintiff-appellant having moved for leave to prosecute the appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is denied (See M-4237, decided simultaneously herewith).

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2008.

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

-----X

Mark Collins,
Plaintiff-Appellant,

-against-

Lorna Sheldon Collins,
Defendant-Respondent.

M-4237
Index No. 350021/06

-----X

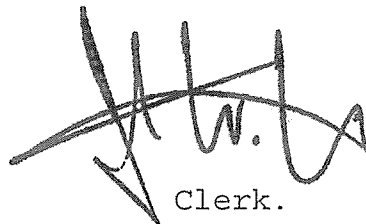
An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about July 18, 2008,

And plaintiff having moved for leave to prosecute the appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is denied (See M-4004, decided simultaneously herewith).

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 14, 2008.

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

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

Respondent,

-against-

M-2881
Ind. No. 9647/88

Nathan Brown,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on January 13, 1994 (Appeal No. 50796), unanimously affirming a judgment of the Supreme Court, New York County (Edwin Torres, J.), rendered on February 20, 1990,

And orders of this Court having been entered on December 12, 2000 (M-3106), denying defendant's motion, 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; and on August 9, 2001 (M-1824), denying reargument thereof, respectively,

And an order of this Court having been entered on May 30, 2003 (M-5893), denying defendant's renewed motion in the nature of a writ of error coram nobis with respect to the conviction,

And defendant having moved in the nature of a writ of error coram nobis alleging ineffective assistance of trial counsel with respect to the conviction,

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 14, 2008.

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

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

-against-

M-4000
Ind. No. 8681/87

Nathan McBride,

Defendant.

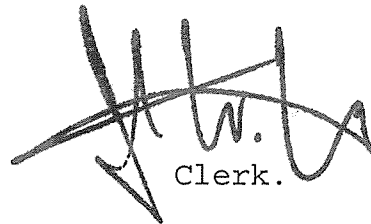
-----X

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 July 15, 1988, or, in the alternative, for a writ of error coram nobis, for a review of his claim of ineffective assistance of trial counsel, for the assignment of counsel on a reinstated direct appeal, and for related relief,

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

It is ordered that the motion is, in all respects, denied (See CPL §440.10/CPL §460.30 subd. 1).

ENTER:


Clerk.

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M-4114
NY Co.
Indictment No.
9542/87

-against-

CERTIFICATE
DENYING LEAVE

Leonardo Larrea,

Defendant.
-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 28, 2008, is hereby denied.

Dated: New York, New York

OCT 06 2008


Justice of the Appellate Division

ENTERED

OCT 14 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 14, 2008.

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

-----X
Tolani Lakes, an Infant Under the
Age of 14 Years by his Mother and
Natural Guardian, Aisha Lake,
Plaintiff-Respondent,

M-4094
Index No. 15340/07

-against-

Lavelle School for the Blind,
Defendant-Appellant,

-and-

USA United Transit Inc.,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 19, 2008,

And defendant-appellant having moved to stay disclosure, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before November 10, 2008 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. Sua sponte, the Clerk is directed to mark this file and all documents therein as "Sealed".

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 14, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
David Friedman
John W. Sweeny, Jr., Justices.

-----X
Vanessa R. Walls, Individually and on
behalf of Davon Walls, her son, an
infant under 18 years of age,

M-4787

Plaintiffs-Respondents,

Index No. 108867/07

-against-

Prestige Management, Inc., et al.,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 26, 2007 (mot. seq. no. 002),

And plaintiffs-respondents having moved for, inter alia, an order supplementing the record on appeal to include certain material and to strike certain material from the record on appeal, and for related relief,

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

Ordered that the motion is granted only to the extent of granting leave to plaintiffs-respondents to serve and file 10 copies of a supplemental record on appeal consisting of Exhibits C & D to the moving papers within 10 days of the date of this order, and to argue on the appeal the propriety of the inclusion in the record on appeal of defendants' summary judgment motion and related documents in the Civil Court. The Clerk is directed to maintain said appeal on this Court's calendar for the December 2008 Term in accordance with the interim order of a Justice of this Court dated September 25, 2008. The motion is otherwise denied.

ENTER:



Clerk.