

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 21, 2008.

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

-----X  
Acadia-P/A 161st Street LLC,  
Plaintiff-Appellant,

-against-

M-4725X  
Index No. 102663/07

Proskauer Rose LLP, et al.,  
Defendants-Respondents.  
-----X  
(And a third party action)  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 30, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 29, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 21, 2008.

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

-----X  
Nordia Pinnock,  
Plaintiff-Respondent,

-against-

M-4726X  
Index No. 24305/06

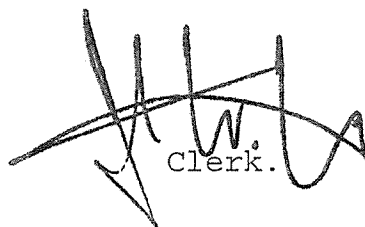
Sunrise Limo Enterprises and  
Obre F. Kone,  
Defendants-Appellants.  
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 7, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 29, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 21, 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-4736  
Ind. No. 4626/07

William Arnold,  
Defendant-Appellant.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about April 8, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated September 29, 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 21, 2008.

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

-----X  
Zaraiz S., an infant by her  
mother and natural guardian, Ana C. S.,  
and Ana C. S., individually,  
Plaintiffs-Appellants,

-against-

Mark A. Rosing, M.D., etc., et al.,  
Defendants,

M-4731  
Index No. 22969/04

Frank Allen, M.D.,  
Defendant-Respondent,

-and-

St. Barnabas Hospital, St., Barnabas  
Community Enterprises, Inc.,  
Defendants-Appellants.

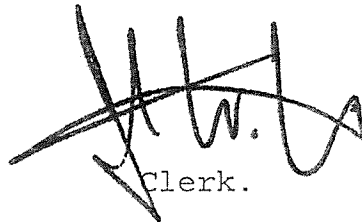
-----X

Appeals having been taken from an order of the Supreme Court, Bronx County, entered on or about February 14, 2008,

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

It is ordered that the appeals, previously perfected for the October 2008 Term, are withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

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

-----X  
Marites M. Arizabal,  
Plaintiff-Respondent,

-against-

Luis LaFuente, William Jerez,  
Madeline Sanchez,  
Defendants-Respondents,

M-4720X  
Index No. 15386/06

-and-

Moussa Sangare,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about May 28, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 29, 2008, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 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-4510  
Ind. No. 4046/06

Allen Jones,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 19, 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.

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 21, 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-4516  
Ind. No. 3927/07

Charles Rasako, also known as  
Charles Rasko,  
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 28, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

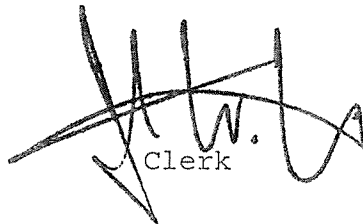
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 21, 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-4518  
Ind. Nos. 6263/97  
7409/01

Robert Caldwell,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 24, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

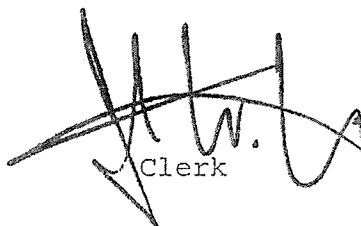
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 21, 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-4519  
Ind. No. 4507/07

Lawrence Haviland,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 7, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

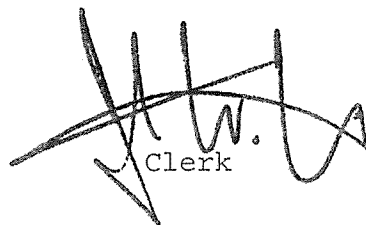
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 21, 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-4529  
Ind. No. 6355/06

Ernesto Valdez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 10, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

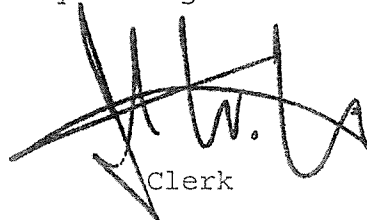
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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 21, 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-4543  
Ind. No. 2510/03

Calvin Summers,  
Defendant-Appellant.

-----X

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

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

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

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

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 21, 2008.

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

-----X  
Renee Rodriguez,  
Plaintiff-Respondent,

-against-

M-4525

M-4689

Lorraine Schultz and Brian A. Schultz,  
Defendants,

Index No. 15053/06

-and-

Carmen A. Pantano and Bernardo F.  
Almeida,  
Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about January 30, 2008,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal (M-4525),

And defendants-appellant having moved to withdraw said appeal (M-4689),

Now, upon reading and filing the stipulations of the parties hereto, both dated September 24, 2008, and due deliberation having been had thereon,

It is ordered that the motion for a stay of trial, and the motion to withdraw the appeal previously perfected for the October 2008 Term, are withdrawn in accordance with the aforesaid stipulations.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

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

-----X  
In the Matter of

Melody L.,

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

M-4498  
Docket Nos. N101/07  
N102/07  
N115/08

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

Magdalena L.,  
Respondent.

-----X

Respondent having moved, pursuant to CPLR 5704(a), for an order of this Court granting certain relief denied by a Justice of the Family Court, New York County, on or about August 27, 2008,

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

Ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

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

-----X  
Philip Masullo, et al.,  
Plaintiffs-Appellants,

-against-

M-4493  
Index No. 100893/05

1199 Housing Corporation,  
Defendant-Respondent.

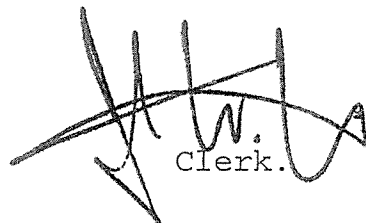
-----  
(And a Third-Party action)  
-----X

Plaintiffs-appellants 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 December 7, 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 appellants' 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 21, 2008.

PRESENT - Hon. Jonathan Lippman,  
Richard T. Andrias  
David B. Saxe  
John W. Sweeny, Jr.  
Leland G. DeGrasse,

Presiding Justice,  
  
  
  
Justices.

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

-against-

M-4485  
Ind. No. 4270/06

Ramel Harris, also known as  
Ramiel Harris,  
Defendant-Appellant.

-----X

An order of this Court having been entered on August 2, 2007 (M-3321) granting defendant leave to prosecute his appeal from the judgment of the Supreme Court, New York County, rendered on or about June 7, 2007, as a poor person and assigning counsel,

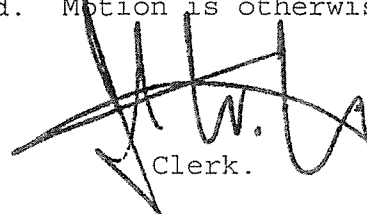
And a further order of this Court having been entered on April 8, 2008 (M-980), inter alia, granting defendant leave to serve and file a pro se supplemental brief on the appeal,

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

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before December 8, 2008 for the February 2009 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of those minutes relating to defendant's appeal as yet not transcribed, including the minutes of the April 20, 2007 Huntley/Dunnaway hearing, said transcripts to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned. Motion is otherwise denied.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

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

-----X  
Meinun Ou, also known as  
Buo Yu You, et al.,  
Plaintiffs-Respondents,

-against-

New York City Transit Authority,  
Defendant-Appellant.

M-4515  
Index No. 119985/01

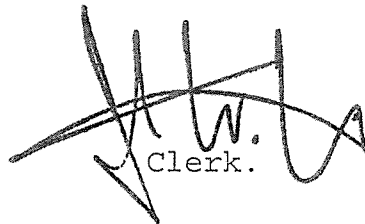
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about November 26, 2007,

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

Ordered that the motion is granted to the extent of enlarging 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 21, 2008.

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

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

Trinity C.,

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

- - - - -  
The New York Foundling Hospital,  
Petitioner-Respondent,

M-4536  
Docket No. B8174/06

Draymond C.,  
Respondent-Appellant.

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

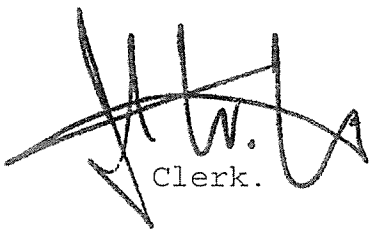
-----X

Petitioner-respondent having moved for dismissal of the appeal taken from the order of the Family Court, New York County, entered on or about November 26, 2007,

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

Ordered that the motion is granted to the extent of dismissing the appeal unless it is perfected for the February 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that petitioner-respondent serves a copy of this order upon respondent-appellant within 10 days from the date of entry hereof.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

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

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

-against-

M-4590  
Ind. No. 6255/06

Jamel Bell, also known as  
John Bell,  
Defendant-Appellant.

-----X


An order of this Court having been entered on September 9, 2008 (M-3788), inter alia, granting appellant leave to file a pro se supplemental brief in connection with the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 17, 2007,

And defendant-appellant having moved for an extension of time in which to file the pro se supplemental brief, and to be provided with the minutes of his arraignments held on or about December 20, 2006, January 3, 2007, January 31, 2007, February 21, 2007, March 20, 2007 and June 27, 2007 in Part 81, Supreme Court, New York County,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before January 5, 2009 for the March 2009 Term, to which Term the appeal is adjourned. The Clerk of the Supreme Court is directed to expeditiously have transcribed those minutes as yet not transcribed of the aforesaid arraignments for inclusion in the record, a copy of which is to be forwarded to the Warden at the State correctional facility wherein defendant is incarcerated, said transcripts to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

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

-----X  
Larry Stryker,  
Plaintiff-Respondent,

-against-

M-4376  
Index No. 117524/06

Alex Stelmak, An Individual,  
Defendant-Appellant,

Stan Mashov, An Individual,  
Simone V. Palazzolo, Esq., An  
Individual, and Advanced  
Technologies Group, Ltd.,  
Defendants.

-----X

Defendant-appellant Stelmak 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 December 5, 2007 (mot. seq. no. 008),

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 June 2009 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

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

-----x  
Slemish Corp. S.A.,  
Plaintiff-Appellant,

-against-

M-4339  
Index No. 109226/07

Robert M. Morganthau, District Attorney  
of New York County,  
Defendant-Respondent.

-----x  
Tupi Cambios S.A.,  
Plaintiff-Appellant,

-against-

Index No. 109227/07

Robert M. Morganthau, District Attorney  
of New York County,  
Defendant-Respondent.

-----x

Separate appeals having been taken to this Court by plaintiffs-appellants from the joint decision and order of the Supreme Court New York County, entered on or about August 7, 2008,

And the respective plaintiffs-appellants having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting appellants to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the appeals.

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 21, 2008.

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

-----X  
Dianne Cummin, M-4653  
Plaintiff,  
Action No. 1  
-against- Index No. 350465/98

Arch Cummin,  
Defendant-Respondent.

- - - - -  
Arch Cummin,  
Plaintiff-Respondent,  
Action No. 2  
-against- Index No. 114663/06

Anson McCook Beard, Jr.,  
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 23, 2008, and said appeal having been perfected,

And defendant-appellant having 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 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 21, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Luis A. Gonzalez  
Milton L. Williams, Justices.

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

Respondent,

-against-

M-3596  
Ind. No. 7717/89

Martin Baskerville,

Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on December 5, 1996 (Appeal No. 58527), unanimously affirming the judgment of the Supreme Court, New York County (Herbert Altman, J.), rendered on November 21, 1990,

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

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

It is ordered that said application is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Milton L. Williams, Justices.

-----X  
Lydia Cicero, et al.,  
Plaintiffs-Appellants,

-against-

M-4160  
Index No. 600737/05

Great American Insurance Company,  
et al.,  
Defendants-Respondents.

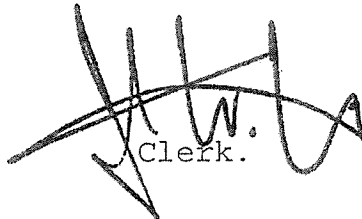
-----X

Defendants-respondents 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 29, 2008 (Appeal No. 3614),

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 21, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Milton L. Williams, Justices.

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

-against-

M-2857  
Ind. No. 10361/92

Rudy Roa,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 14, 2000 (Appeal No. 570), unanimously affirming a judgment of the Supreme Court, New York County (Frederic Berman, J.), rendered on March 22, 1995,

And an order of this Court having been entered on June 16, 2004 (M-1020), denying defendant's application in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel,

And defendant having moved for reargument of the aforesaid order of this Court, or for reinstatement of his appeal, and for other 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 21, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Luis A. Gonzalez  
John W. Sweeny, Jr.  
James M. Catterson  
Karla Moskowitz, Justices.

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

-against- M-4326  
Ind. No. 1909/07

Manuel Vega,

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, Bronx County, rendered on or about May 13, 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 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 ten 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.

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 21, 2008.

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

-----X  
Caryn Zweig,  
Plaintiff-Respondent,

-against-

M-4657  
Index No. 302266/08

Joel Zweig,  
Defendant-Appellant.

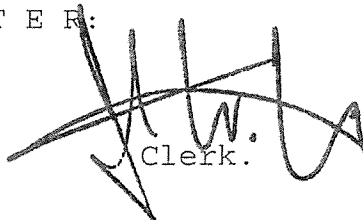
-----X

Defendant-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about September 23, 2008, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

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 21, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
Luis A. Gonzalez  
John W. Sweeny, Jr.  
James M. Catterson  
Karla Moskowitz, Justices.

-----X  
In the Matter of

"Baby Girl" A., also known as  
Keyshawna A., also known as  
Keyshawna A., also known as  
Keyshawn A.,

M-4276  
Docket No. B16384/00

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

-----  
Jewish Child Care Association of  
New York, et al.,  
Petitioners-Respondents,

Darryl A., also known as  
Darrell A.,  
Respondent-Appellant.

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

-----X

Petitioner-respondent agency having moved for dismissal of the appeal taken from the order of the Family Court, Bronx County, entered on or about December 14, 2007,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

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

-----X  
Myron Zuckerman,  
Plaintiff-Respondent,

-against-

M-4304  
Index No. 113633/07

Sydell Goldstein and Audrey Siller,  
Defendants-Appellants-Respondents,

-and-

Barbara Zuckerman,  
Defendant-Respondent-Appellant,

-and-

Lance Landers and Sam-Fay Realty Corp.,  
Defendants-Appellants-Respondents.

-----X

Plaintiff-respondent having moved to dismiss the appeals and cross appeal taken from the order of the Supreme Court, New York County, entered on or about June 23, 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 to dismiss the respective appeals and cross appeal are granted unless perfected for the April 2009 Term. Should direct appellants fail to so perfect, cross appellant is directed to perfect the cross appeal for the next available Term of Court. Upon failure to so perfect, an order dismissing the respective appeals and cross appeal, may be entered ex parte, provided respondent serves a copy of this order upon the respective appellants and cross appellant within 10 days after the date of entry hereof. The attention of the parties is directed to Rule 600.11(d) with respect to the production of a joint record and costs thereof.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Luis A. Gonzalez  
John W. Sweeny, Jr.  
James M. Catterson  
Karla Moskowitz, Justices.

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

-against-

M-4325  
Ind. No. 2755/07

Wilfredo Escarfuller,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 22, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, Peter M. Frankel, Esq., the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

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 21, 2008.

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

-----X

Euroway Contracting Corp.,  
Plaintiff-Respondent,

-against-

M-4414  
Index No. 25646/02

Mastermind Estate Development  
Corp., et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about June 16, 2008, and said appeal having been perfected,

And an order of this Court having been entered on August 19, 2008 (M-3821) denying appellant's motion for an enlargement of the record on appeal to include a certain affirmation of Barbara Matarazzo, dated July 21, 2008,

And plaintiff having moved for an order, inter alia, dismissing the appeal and striking appellant's brief and record on appeal on the grounds that it contains material de hors the record, and for other relief,

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

Ordered that the motion is granted to the extent of directing appellants to serve and file an appellants' brief that omits all references to the affirmation of Barbara Matarazzo, dated July 21, 2008, as well as the arguments that are predicated upon such affirmation and further direct defendants to supplement

the record on appeal to include the documents improperly omitted from the record on appeal as set forth in the moving papers on or before November 3, 2008 for the January 2009 Term of Court to which Term the appeal is adjourned. The stay of trial afforded by the order of this Court entered on August 5, 2008 (M-3205) is continued on condition upon appellants' compliance with the aforesaid directives. Upon failure to so comply respondents may move on notice to dismiss the appeal.

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 21, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
Luis A. Gonzalez  
John W. Sweeny, Jr., Justices.

-----X  
First Hudson Capital, LLC,  
Petitioner-Respondent,

-against-

M-4095  
Index No. 570040/06

Ron Seaborn,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on August 5, 2008 (Appeal No. 2912),

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

It is ordered that the motion, to the extent it seeks reargument, is denied, and it is further

Ordered that so much of the motion which seeks leave to appeal to the Court of Appeals is granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the decision and order of this Court, which reversed the order of the Supreme Court, properly made?"

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

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 21, 2008.

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

-----X  
In the Matter of

Ernestine L., M-4348  
Petitioner, Docket No. V1950/07

-against-

New York City Administration  
for Children's Services, et al.,  
Respondents.

-----X

Petitioner having moved for leave to prosecute, as a poor person, a purported appeal from an order of the Family Court, New York County, entered on or about June 24, 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 denied, with leave to renew upon submission of a copy of the order purportedly appealed from.

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 21, 2008.

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

-----X  
Sandra Kahn,  
Plaintiff-Appellant,

-against-

M-4167  
Index No. 102573/06

Manisha Gandhi, M.D.,  
Defendant-Respondent.

-----  
Sandra Khan,  
Plaintiff-Appellant,

-against-

Index No. 101879/05

Dr. Jill Fishbane-Mayer, et al.,  
Defendants,

Dr. Jamal Rahaman, Dr. Manisha Gandhi  
and Mt. Sinai Hospital,  
Defendants-Respondents.

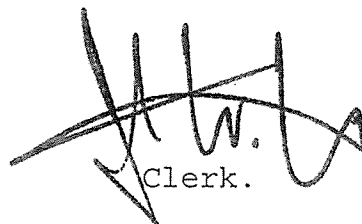
-----X

Defendants having moved for dismissal of the appeal taken from the orders of the Supreme Court, New York County, both entered on or about September 28, 2007 (mot. seq. no. 001, Index No. 102573/06 and mot. seq. no. 002, Index No. 101879/05),

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 21, 2008.

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

-----x

The People of the State of New York,

Respondent,

-against-

M-3683

Ind. No. 4800/05

William Gilman and Edward McNenney,

Defendants-Appellants.

-----x

Appeals having been taken from the respective judgments of the Supreme Court, New York County, rendered on or about April 17, 2008,

And defendants-appellants having jointly moved for a continuance of the stay of execution of the aforesaid judgments previously granted by the sentencing court on April 17, 2008 upon the respective terms and conditions of the aforesaid order of Supreme Court,

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 the defendants-appellants perfect the consolidated appeals on or before December 8, 2008, for the February 2009 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

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

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

-against-

M-4360  
Ind. No. 3810/06

Cary Hubert, also known as Hubert Cary,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 13, 2007, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before November 10, 2008 for the January 2009 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 21, 2008.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
David Friedman  
Eugene Nardelli  
Milton W. Williams  
Helen E. Freedman, Justices.

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

-against-

M-4362  
Ind. No. 6597/05

Victor Hernandez,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about May 10, 2007, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before November 10, 2008 for the January 2009 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

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 21, 2008.

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

-----x  
In the Matter of the Arbitration  
Between

Benjamin S. DeYoung,  
Petitioner-Respondent,

-against-

M-4717  
Index No. 602058/08

MDoffices.com, Inc.,  
Respondent-Appellant.

-----x

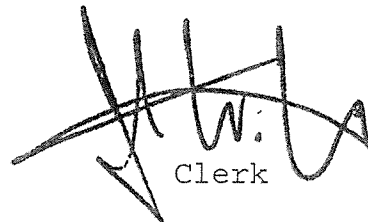
An appeal having been taken to this Court from the order of attachment in aid of arbitration of the Supreme Court, New York County, entered on or about September 18, 2008,

And respondent-appellant having moved for a stay of the aforesaid order of attachment, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
John T. Buckley  
Helen E. Freedman, Justices.

-----X

Second On Second Café, Inc.,  
Plaintiff-Respondent,

-against-

M-4691  
Index No. 602627/07

Hing Sing Trading, Inc.,  
Defendant-Appellant.

-----X

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

And plaintiff-respondent having moved for dismissal of said appeal, or in the alternative, an order compelling appellant to file a supplemental record consisting of a certain transcript dated 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 directing defendant to immediately serve and file a second supplemental record containing the aforesaid transcript. 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 21, 2008.

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

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

William Feng,  
Petitioner-Appellant,

For a Judgment, etc.,

M-4350  
Index No. 112359/06

-against-

Raymond Kelly, etc., et al.,  
Respondents-Respondents.

-----X

Petitioner-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 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 the time in which to perfect the appeal to the February 2009 Term.

ENTER:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

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

-----X  
Sean Rivera, an Infant by his  
Mother and Natural Guardian,  
Pauline Lorenzo Rivera,

Plaintiff-Appellant,

M-4164  
Index No. 104887/03

-against-

New York City Health and Hospitals  
Corporation, etc.,


Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about November 1, 2007,

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,  
Luis A. Gonzalez  
John T. Buckley  
Helen E. Freedman, Justices.

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

-against-

M-4322  
Ind. No. 1944/00

Alberto Resto,  
Defendant.

-----X

An order of this Court having been entered on October 1, 2002 (M-3505), denying defendant's motion 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 December 19, 2000,

And defendant having renewed his motion for an enlargement of time in which to file a notice of 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.

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 21, 2008.

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

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

-against-

M-4233  
Ind. No. 5591/07

Rahsaan Johnson,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 26, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

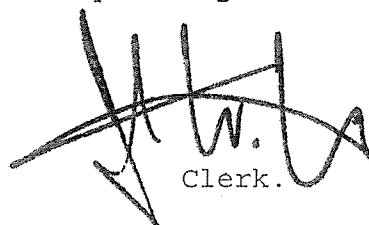
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

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 21, 2008.

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

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

-against-

M-4327  
Ind. No. 4522/07

Victor Gonzalez,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 8, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the notice of appeal as timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth the amount of sources of funds to pay the fee of trial counsel, Dawn M. Florio, Esq., the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

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 21, 2008.

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

-----X  
Rick Becker and Karen Mantler,  
Petitioners-Tenants-Respondents,

-against-

M-4308  
Index No. 6429/05

Herbert Moskowitz and Arthur Morse,  
doing business as Only Realty Company,  
Respondents-Owners-Appellants,

-and-

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

-----X

Respondents-owners-appellants having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about April 24, 2008,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 21, 2008.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Milton W. Williams  
James M. Catterson, Justices.

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

-against-

M-3789  
Ind. No. 8614/00

Ralph Alicea,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on October 3, 2006 (Appeal No. 9059), unanimously affirming a judgment of the Supreme Court, New York County (Leslie Crocker Snyder, J.), rendered on September 24, 2003,

And an order of this Court having been entered on July 1, 2008 (M-1515), denying defendant's application in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel,

And defendant having filed a motion for leave to appeal to the Court of Appeals from the aforesaid order of this Court entered on July 1, 2008 (M-1515),

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 dismissed, a motion for the aforesaid relief being presently sub judice in the Court of Appeals.

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 21, 2008.

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

-----X

B.B.C.F.D., S.A. (A Panamanian corporation), et al.,  
Plaintiffs,

M-4435

-against-

Action No. 1  
Index No. 604084/03

Bank Julius Baer & Co. Ltd., et al.,  
Defendants-Respondents,

Julius Baer Americas, Inc.,  
formerly known as Julius Baer Securities, Inc., et al.,  
Defendants,

Baruch Ivcher,  
Defendant-Appellant.

-----X

[Cross-Claim and Third-Party actions]

-----X

Skilled Investors, Inc.,  
Plaintiff-Respondent,  
-against-

Action No. 2  
Index No. 603818/03

Bank Julius Baer & Co. Ltd., et al.,  
Defendants,

Baruch Ivcher,  
Defendant-Appellant.

-----X

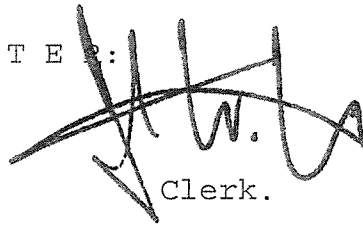
Appeals having been taken by defendant-appellant in Action Nos. 1 and 2 from the orders of the Supreme Court, New York County, both entered on or about January 10, 2008 (mot. seq. no. 021 [under Docket No. 603818/03]) and (mot. seq. no. 024 [under Docket No. 604084/03]), respectively,

And defendant appellant having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is 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.

E N T E R :

A handwritten signature in black ink, appearing to be "J. W. L.", written over the text "ENTER:". The signature is stylized and somewhat illegible.

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 21, 2008.

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

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

-against-

M-3365  
Ind. No. 1337/02

Woodrow Flemming,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 9, 2006 (Appeal No. 8037), unanimously affirming the judgment of the Supreme Court, New York County (Charles J. Tejada, J.), rendered on September 15, 2003,

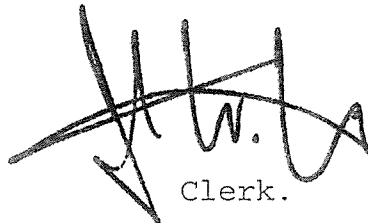
And an order of this Court having been entered on December 28, 2006 (M-4211), denying defendant's application for a writ of error coram nobis,

And defendant having moved for reargument of the aforesaid order of this Court, and for other 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 21, 2008.

Present: Hon. Eugene Nardelli, Justice Presiding,  
Milton L. Williams  
John T. Buckley  
James M. Catterson, Justices.

-----X  
George Eremeyev, et al.,  
Plaintiffs-Appellants, M-3968  
-against- M-4016  
M-4017  
Index No. 8898/01  
Manhattan Eye, Ear & Throat  
Hospital, et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 28, 2008,

And an order of this Court having been entered on May 22, 2008 (M-1705), inter alia, denying appellants' motion for poor person relief and assignment of counsel; and an order of this Court having been entered on July 22, 2008 (M-2938) denying appellants' motion for reargument and/or clarification of the aforesaid order [M-1705],

And plaintiffs-appellants having again moved for poor person relief and assignment of counsel, an enlargement of time in which to perfect the appeal, and other relief (M-3968),

And defendant-respondent Barry M. Chuz, M.D. (M-4016) and defendants-respondents Manhattan Eye, Ear & Throat Hospital and David Rosenberg, M.D., sued herein as John Rosenberg, M.D., etc., (M-4017) having separately cross-moved for dismissal of the appeal,

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

Ordered that the motion is denied, the cross motions are granted and the appeal is dismissed.

E N T E R:

  
Clerk.

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

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

-----X

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

Nusrat C.,  
Petitioner-Respondent,

-against-

M-4218  
Docket No. V27626/06

Muhammad R.,  
Respondent-Appellant.

-----X

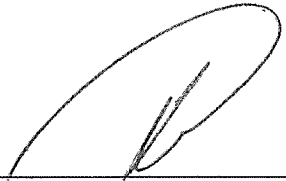
Appeals having been taken to this Court from orders of the  
Supreme Court, Bronx County, entered on or about December 27,  
2007 and August 8, 2008, respectively,

And respondent-appellant having moved for a stay of the  
order entered on or about August 8, 2008, pending hearing and  
determination of the aforesaid appeals, and for consolidation of  
same,

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

It is ordered that the motion, to the extent it seeks a  
stay, is denied. The motion, to the extent it seeks  
consolidation of the appeals, is granted.

Dated: October 14, 2008  
New York, New York

  
\_\_\_\_\_  
Richard T. Andrias  
Associate Justice

Entered: October 21, 2008

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

BEFORE: Hon. Rolando T. Acosta  
Justice of the Appellate Division

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

M - 4337  
Ind. No. 1863/03

-against-

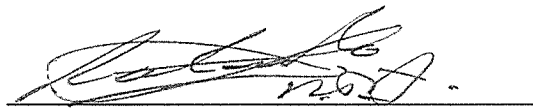
CERTIFICATE  
DENYING LEAVE

Juan Rincon,

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 29, 2008 is hereby denied.

  
\_\_\_\_\_  
Hon. Rolando T. Acosta  
Associate Justice

Dated: October 7, 2008  
New York, New York

ENTERED: October 21, 2008

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

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

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

M-4366  
Ind. No. 4186/04

-against-

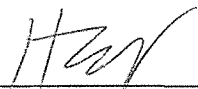
CERTIFICATE  
DENYING LEAVE

Terry Bligen,

Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 24, 2008 is hereby denied.

  
\_\_\_\_\_  
Hon. Helen E. Freedman  
Associate Justice

Dated: October 8, 2008  
New York, New York

ENTERED: October 21, 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 22, 2008.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
John T. Buckley  
John W. Sweeny, Jr.  
Dianne T. Renwick, Justices.

-----X  
Ruky Cole, et al.,  
Plaintiffs-Respondents,

-against-

M-1984  
Index No. 302277/07

1015 Concourse Owners Corp., et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken by defendants from the order of the Supreme Court, New York County, entered on or about March 13, 2008,

And plaintiffs-respondents having moved for an order striking appellants' notice of appeal as premature, pursuant to CPR 5511,

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, without prejudice to further proceedings in Supreme Court.

E N T E R:



Clerk.

CORRECTED ORDER - October 22, 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 July 22, 2008.

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

-----X

Penny B.,  
Petitioner-Appellant,

-against-

Gary S.,  
Respondent-Respondent.

M-2920  
File No. 13634  
Docket No. V-1875/04

-----X

Appeals having been taken from the orders of the Family Court, New York County, entered on or about August 31, 2007 and February 15, 2008, respectively,

And petitioner-appellant having moved for consolidation of the aforesaid appeals, and for an enlargement of time in which to perfect same,

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 set of appellant's points covering the appeals, a certified transcript and the original record, which appellant is directed to immediately subpoena from the Family Court. The time in which to perfect the consolidated appeals is enlarged to December 8, 2008 for the February 2009 Term.

ENTER:

  
Clerk.

Order Corrected October 22, 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 21, 2008.

Present - Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
Milton L. Williams  
James M. Catterson  
Karla Moskowitz, Justices.

-----X  
Ravindra Tamhane, et al.,  
Plaintiffs-Respondents-Respondents,

M-4683

-against-

Citibank, N.A.,  
Defendant-Respondent-Appellant,

Antonia Gibney Campbell, etc., et al.,  
Defendants,

Index No. 110136/06

Temco Service Industries, Inc.,  
Defendant-Appellant-Respondent.

-----  
Citibank, N.A.,  
Third-Party Plaintiff-Respondent-  
Appellant,

-against-

Index No. 590825/06

One Source Facility Services, Inc.,  
Third-Party Defendant-Respondent.

-----  
Citibank, N.A.,  
Second Third-Party Plaintiff-  
Respondent-Appellant,

-against-

Index No. 590939/06

-----  
Temco Service Industries, Inc.,  
Second Third-Party Defendant-  
Appellant-Respondent.



Temco Service Industries, Inc.,  
Third Third-Party Plaintiff-  
Appellant-Respondent,

-against-

Index No. 590329/07

L.I.S.R., Inc.,  
Third-Third-Party Defendant-  
Respondent-Appellant.

- - - - -

Citibank, N.A.,  
Fourth Third-Party Plaintiff  
Respondent-Appellant,

-against-

Index No. 590541/07

Temco Building Maintenance, Inc.,  
Fourth Third-Party Defendant-  
Appellant-Respondent.

-----x

Defendant/second third-party defendant/third third-party plaintiff/fourth third-party defendant-appellant Temco Building Maintenance, Inc. having moved for a stay of trial pending hearing and determination of the appeal(s) taken from the order of the Supreme Court, New York County, entered on or about September 17, 2008,

And defendant/third-party plaintiff/second third-party plaintiff/fourth third-party plaintiff-respondent-appellant Citibank, N.A. and third third-party defendant-respondent-appellant L.I.S.R., Inc. having submitted affirmations in support of the motion of appellant Temco Building Maintenance, Inc.,

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 all appellants perfect the respective appeal and cross appeals for the January 2009 Term, with special dates. Direct appellant's brief is to be served and filed on or before November 17, 2008; respective respondents' cross appellants' points are to be served

and filed on or before December 17, 2008; direct appellant's reply and answering brief to be served and filed on or before December 26, 2008; cross appellants' reply briefs to be served and filed on or before January 5, 2009. The Clerk is directed to calendar the appeal and cross appeals for hearing in the second week of said January 2009 Term. The attention of the parties is directed to Rule 600.11(d) of this Court with respect to a joint record and costs thereof. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiffs serve a copy of this order upon all the appellants within 10 days after the date of entry hereof.

ENTER:

A handwritten signature in black ink, appearing to be "J.W.L.", written over a horizontal line. The signature is stylized and somewhat illegible.

Clerk