

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 23, 2008.

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

-----X
In the Matter of

Marie B.,
Marvin D. and
Marlisa D.,

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

Abbott House, et al.,
Petitioners-Respondents,

M-4775
Docket Nos. B9829/02
B9830/02
B9831/02

Marvin D.,
Respondent-Appellant.


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

-----X

An appeal having been taken from the orders of the Family Court, New York County, entered on or about May 9, 2005,

Now, upon reading and filing the stipulation of the parties hereto, filed October 2, 2008, and due deliberation having been had thereon, it is

Ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2008.

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

-----X
Devika Adhar,

Plaintiff-Appellant,

-against-

Schindler Elevator Corporation,
et al.,

Defendants-Respondents.
-----X

M-4567
Index No. 101732/05

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 26, 2007 (mot. seq. no. 003),

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 24, 2008, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal is deemed withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2008.

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

-----X

Segundo Gonzalez, et al.,

Plaintiffs-Respondents,

M-4790

Index No. 118000/05

-against-

American Limousine, et al.,

Defendants-Appellants.

-----X

(And a third-Party action)

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 3, 2008 (mot. seq. no. 004),

Now, upon reading and filing the stipulation of the parties hereto, filed October 3, 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 23, 2008.

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

-----X
Michael Kehyaian also known as
Michael Kane,
Plaintiff-Appellant,

-against-

M-3913
Index No. 600696/06

Satiris Galahad ("Sonny") Fassoulis,
James J. Chladek, John Rosenblum,
Larry Thompson, C.I.C. International,
Ltd. and Bank of America, as successor
to Fleet Bank, as successor to Summit
Bank,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 9, 2007 (mot. seq. no. A002),

And defendant-respondent Bank of America having moved to strike the notice of appeal or in the alternative to dismiss the aforesaid appeal for lack of prosecution,

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 23, 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 the Commitment of the Guardianship and Custody of

Stephen Luis F., also known as M-4228
Stefan F.; Jennie Alexie F., Docket Nos. B4505/05
also known as Jennie F.; B4506/05
Frances Diana F., also known as B4507/05
Frances F., also known as
Diana F.,

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

- - - - -
The Children's Aid Society,
Petitioner-Respondent,

Frances Mary F.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq., Juvenile Rights
Division,
Law Guardian for the Children.
-----X

Petitioner-respondent having moved for dismissal of the appeal taken from orders of the Family Court, New York County, entered on or about October 30, 2007,

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

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

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2008.

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

-----X
In Re: New York City Asbestos Litigation

Elizabeth Dempsey and Jo Ann Stafford,
as Co-Executrices of the Estate of
Joseph Caradonna,
Plaintiffs-Appellants,

M-4293
Index No. 106785/06

-against-

A.W. Chesterton Co., et al.,
Defendants-Respondents,

American Standard Inc., individually
and on behalf of Westinghouse Air
Brake Company,
Defendant-Respondent.

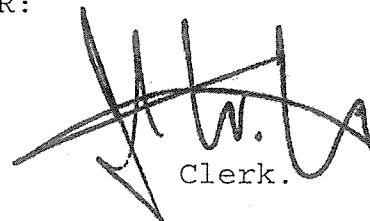
-----X

Defendant-respondent, Trane U.S. Inc., formerly known as American Standard Inc., individually and as former owner of Westinghouse Air Brake Division, also known as WABCO, Inc., having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about April 13, 2007 (mot. seq. no. 003),

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

Ordered that the motion is granted and the appeal is dismissed.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2008.

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

-----X
Dragon Investment Company II LLC
and Princeton Technology Limited,
Plaintiffs-Appellants,

-against-

M-4441
Index No. 602868/05

William S. Shanahan, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants 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 9, 2007 (mot. seq. no. 003),

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

It is ordered that the motion is granted 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 23, 2008.

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

-----x
In the Matter of the Application of
Victoria Hicks,

Petitioner-Respondent,

For a Judgment, etc.,

-against-

M-4705
Index No. 112371/06

New York State Division of Housing
and Community Renewal,

Respondent-Appellant.
-----x

Respondent-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 April 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 on or about December 8, 2008 for 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 23, 2008.

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

-----X
In the Matter of the Application of
Barklee Realty Company, LLC and
Barklee 94 LLC,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4564
Index No. 113803/06

Michael Bloomberg, as Mayor of the City
of New York, New York City Fire
Department, and New York City
Environmental Control Board,
Respondents-Respondents.

-----X

Petitioners-appellants having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about November 23, 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 on or before March 23, 2009 for the June 2009 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Luis A. Gonzalez
John T. Buckley
Dianne T. Renwick, Justices.

-----X
Shinell Thomas,
Plaintiff-Respondent,

-against-

M-3431
Index No. 24926/01

Northeast Theatre Corp., etc., et al.,
Defendants-Appellants.

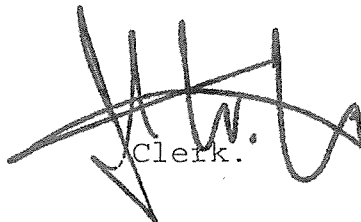
-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 29, 2008 (Appeal No. 3752N),

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 23, 2008.

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

-----X
Carmen Garcia, et al.,
Plaintiffs-Respondents,

-against-

Mack-Cali Realty Corporation, et al.,
Defendants-Respondents-Appellants,

M-3618
M-3958
M-4274
Index No. 21287/05

Matthew and Tony General Landscaping, Inc.,
Defendant-Respondent-Respondent,

Antonio Greco, Inc., doing business as
TG Landscaping, Inc.,
Defendant-Appellant-Respondent.

-----X

A decision and order of this Court having been entered on June 26, 2008 (Appeal No. 4036),

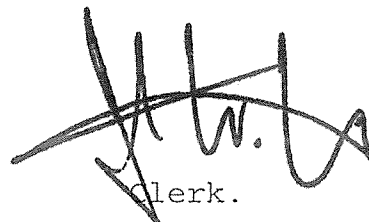
And defendants-respondents-appellants Mack-Cali Realty Corporation, et al., having moved for reargument (M-3618) and cross moved (M-4274) for leave to appeal to the Court of Appeals from the aforesaid decision and order,

And defendant-appellant-respondent Antonio Greco, Inc., doing business as TG Landscaping, Inc. having moved for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court (M-3958),

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

It is ordered that the motions and cross motion are 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 23, 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-4397
Ind. No. 2066/07

Ernesto Abreu,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 6, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's compliance with the specific conditions set forth in the prior order of this Court entered on August 12, 2008 (M-3182), a copy of which is annexed hereto.

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 August 12, 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-3182
Ind. No. 2066/07

Ernesto Abreu,

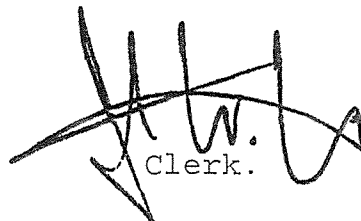
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Jack G. Goldberg, Esq., and to post the \$5,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 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-4445
Ind. No. 4337/07

Carlos Matys,

Defendant-Appellant.
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 13, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Jorge Guttlein, Esq., the amount and sources of funds for trial counsel's fee 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 23, 2008.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John T. Buckley
James M. Catterson, Justices.

-----X

Timothy Albino, etc., et al.,
Plaintiffs,

-against-

M-3438

New York City Housing Authority,
Defendant.

Index Nos. 27774/03
42123/05
42169/05
86034/07

[And A Third-Party Action]

New York City Housing Authority,
Second Third-Party
Plaintiff-Respondent,

-against-

Dimension Mechanical Corporation,
Second Third Party
Defendant-Appellant.

[And A Fourth-Party Action]

-----X

Appellant Dimension Mechanical Corp. having moved for reargument of the decision and order of this Court entered on June 12, 2008 (Appeal Nos. 3921N, 3921NA and 3921NB),

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 23, 2008.

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

-----X
Nicoletti Gonson Spinner & Owen LLP
(formerly known as Nicoletti Gonson
& Spinner LLP),
Plaintiff-Respondent,

Index No. 604180/06

-against-

York Claims Service, Inc.,
Defendant-Appellant.

M-4652

York Claims Service, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Index No. 590030/07

Colonial Cooperative Insurance
Company and Stephen Muehlbauer,
Third-Party Defendants-Respondents.

-----X

Appeals having been taken to this Court from the order and the judgment of the Supreme Court, New York County, entered on or about October 18, 2007, February 26, 2008, and July 31, 2008, respectively,

And defendant/third-party plaintiff-appellant York 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 and appellant is directed to perfect said consolidated appeals to on or before November 10, 2008 for the January 2009 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr. Justices.
James M. McGuire,

-----X
Founders Insurance Company Limited,
Petitioner-Appellant/
Respondent-Appellant,

-against-

M-4417
Index No. 600523/07

Everest National Insurance Company,
an Arizona Corporation, and
Everest Reinsurance Company, a
Delaware Corporation,
Respondents-Respondents/
Appellants-Respondents.

-----X


An appeal having been taken from the orders of the Supreme Court, New York County, both entered on or about November 23, 2007 (mot. seq. nos. 005 and 006) and an appeal and cross appeal having been taken from the order of said Court entered on or about June 6, 2008, respectively,

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

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

Ordered that the motion is granted to the extent of enlarging the time of the respective parties in which to perfect the appeals and cross appeal to the March 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.

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 23, 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 the Application of

King Justice Allah El,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3435
Index No. 101684/08

Hon. Tanya Kennedy, Judge of the
Criminal Court, Robert M. Morgenthau,
District Attorney of New York County
and New York State Commissioner of
Motor Vehicle,

Respondents.

-----X

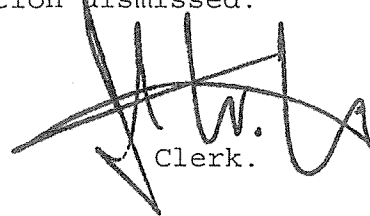
A purported Article 78 proceeding having been commenced in this Court, seeking dismissal of criminal proceedings presently pending in Criminal Court, New York County including any warrant of arrest issuing therefrom (2005 NY 082522) and for related relief,

And an Article 78 proceeding based upon the same underlying criminal proceeding and seeking the same relief having been denied and dismissed by order of the Supreme Court, New York County entered on March 13, 2008 (Index No. 101684/08), and no notice of appeal having been served or filed with respect to said order of dismissal,

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

It is ordered that the purported proceeding and application for related relief are denied and the petition 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 23, 2008.

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

-----X
Pamela Alston,

Plaintiff-Appellant,

-against-

Mohamed A. Bah, et al.,

Defendants-Respondents.
-----X

M-4442
Index No. 13392/05

Defendants-respondents having moved to dismiss the appeal from the order of the Supreme Court, Bronx County, entered on or about October 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 and the appeal is dismissed.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2008.

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

-----X
New York City Economic Development Corporation,

Plaintiff-Respondent,

-against-

Corn Exchange LLC,

Defendant-Appellant.
-----X

M-4619
Index No. 405031/07

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 22, 2008 (mot. seq. no. 002), and said appeal having been perfected for the December 2008 Term of this Court,

And defendant-appellant having moved for an adjournment of the aforesaid perfected appeal,

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

Ordered that the motion is granted to the extent of adjourning 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 23, 2008.

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

-----X

The State of New York,

Plaintiff-Respondent,

-against-

M-4400

Index No. 401535/06

Shari Kessler and Kings & Queens
Transportation Co.,

Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect their appeal from an order of the Supreme Court, New York County, entered on or about December 4, 2007 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the 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 23, 2008.

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

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

-against-

M-4378
Ind. No. 2512/06

Cesar Tineo,
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 April 5, 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 granted to the extent of deeming the notice of appeal timely filed, and permitting the appeal to be heard on the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

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

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 23, 2008.

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

-----X
BGC Financial, L.P.,
Petitioner-Appellant,

-against-

M-4692
Index No. 112990/08

GFI Securities LLC, Scott Pagano
and Michael Connell,
Defendants-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 24, 2008 (mot. seq. no. 001),

And petitioner-appellant having moved for an order in the nature of a preliminary appellate injunction in aid of arbitration, pursuant to CPLR 7502(c), enjoining defendants Pagano and Connell from certain employment by defendant GFI Securities, LLC,

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 23, 2008.

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

-----X

Carmen Ayala,

Plaintiff-Appellant,

-against-

M-3584
Index No. 570705/06

John Feil and Carlton Morrison,

Defendants-Respondents.

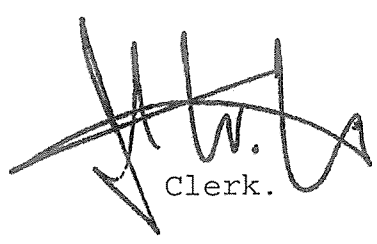
-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about December 20, 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 23, 2008.

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

-----X
405 East 56th Street, LLC,
Petitioner-Landlord-Respondent,

-against-

M-4457
Index No. 570235/06

David Morano and Kathleen Morano,
Respondents-Tenants-Appellants.

-----X

Respondent-tenant-appellant Kathleen Morano having moved for, inter alia, leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about April 30, 2008, for leave to prosecute said appeal as a poor person, and for a continuation of the stay granted by order of the Appellate Term, 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, in all respects, 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 23, 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-4313
Ind. No. 68/07

Milton Antonio also known as
Milton Antonio Victorino also known
as Milton Rosario-Rodriguez,
Defendant-Appellant.

-----X

Appellant's counsel having moved for an order dismissing defendant's appeal taken from a judgment of the Supreme Court, New York County, rendered on or about June 13, 2007, without prejudice to reinstatement at such time appellant becomes amenable to the jurisdiction of this 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 to the extent of deeming the appeal withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 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-4234
Ind. No. 3836/06

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

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

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

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

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

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 23, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Milton W. Williams
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

M-4444
Ind. No. 132/05

Anthony Stevens,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 10, 2006, 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.

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 23, 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-4296
Ind. No. 4583/07

Duwayne Chance,
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 31, 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 funds to post the \$3,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

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 23, 2008.

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

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

-against-

M-4225
Ind. No. 5282/06

Joselo Rivera,
Defendant-Appellant.

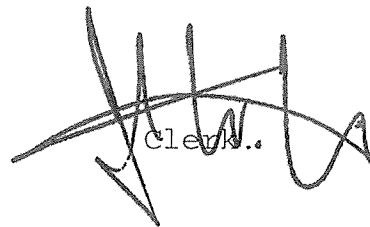
-----X

The People having moved for an order dismissing defendant's appeal from the order of the Supreme Court, New York County, entered on or about March 12, 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 and the appeal is dismissed.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 23, 2008.

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

-----x
In the Matter of the Fee Dispute
Arbitration Pursuant to Part 137 of the
Rules of the Chief Administrator Between

Levin & Glasser, P.C.,
Petitioner-Respondent,

M-4545
Index No. 105412/07

-against-

Kenmore Property, LLC,
Respondent-Appellant.
-----x

Respondent-appellant having moved for an enlargement of time in which to perfect their appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 19, 2007,

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

It is ordered that the motion is granted 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 23, 2008.

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

-----X

Delhi Construction Corp.,

Plaintiff-Appellant,

-against-

M-4125

Index No. 606019/98

The City of New York, et al.,

Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 26, 2007 and January 11, 2008 (mot. seq. no. 001), respectively,


And an order of this Court having been entered on May 6, 2008 (M-1488), consolidating the aforesaid appeals and enlarging the time to perfect said appeals to the November 2008 Term,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the consolidated appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals 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 23, 2008.

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

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

-against-

M-4411
Ind. No. 3571/07

Samuel DeGannes,
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 June 10, 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 23, 2008.

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

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

-against-

M-4412
Ind. No. 3277/98

Alfred Diaz,
Defendant-Appellant.

-----X

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

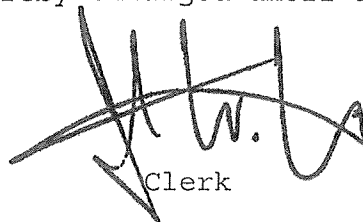
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 23, 2008.

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

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

-against-

M-4290
Ind. No. 5529/07

DJuan Collins,
Defendant-Appellant.
-----X

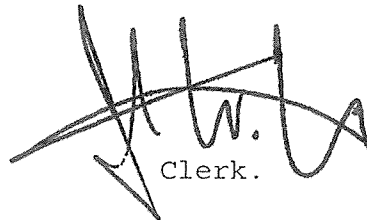
Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about August 15, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record, 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 serve one copy of such brief upon the District Attorney of said county and file 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, 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.

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 23, 2008.

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

-----X
Felicia Hernandez,
Plaintiff-Respondent,

-against-

M-4097
Index No. 121762/03

New York City Transit Authority, et al.,
Defendants-Appellants.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 19, 2008 (Appeal No. 3183),

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

It is ordered that the motion is denied.

E N T E R:


Clerk.

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

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

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

-against-

M-4013
Ind. No. 5545/04

Michael Brunner,
Defendant-Appellant.

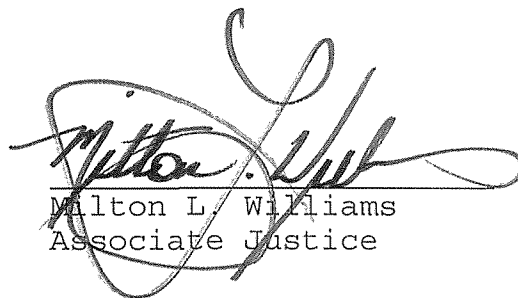
-----X

Defendant-appellant having moved for release on his own
recognizance or bail pending hearing and determination of the
appeal taken from a judgment of the Supreme Court, New York
County, rendered on or about May 9, 2006,

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

It is ordered that the motion is denied.

Dated: New York, New York
October 6, 2008



Milton L. Williams
Associate Justice

Entered: **OCT 23 2008**

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. John T. Buckley
Justice of the Appellate Division

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

M-4364
Ind. No. 5367/05

-against-

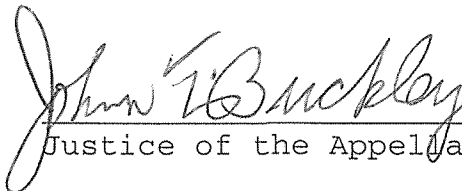
CERTIFICATE
DENYING LEAVE

Wallace Stevenson,
Defendant.

-----X

I, John T. Buckley, 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 Section 460.15 of the Criminal Procedure Law, 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, rendered July 16, 2008, is hereby denied.

Dated: New York, New York
October 15, 2008


Justice of the Appellate Division

ENTERED

OCT 23 2008

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

BEFORE: Hon. John T. Buckley
Justice of the Appellate Division

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

M-4419
Ind. No. 2399/02

-against-

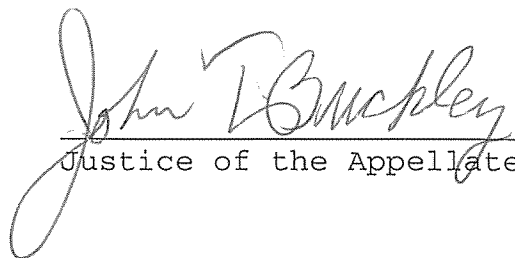
CERTIFICATE
DENYING LEAVE

Jose Santiago,
Defendant.

-----X

I, John T. Buckley, 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 Section 460.15 of the Criminal Procedure Law, 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, rendered May 29, 2008, is hereby denied.

Dated: New York, New York
October 16, 2008



Justice of the Appellate Division

ENTERED OCT 23 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 23, 2008.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Luis A. Gonzalez
James M. Catterson
Rolando T. Acosta, Justices.

-----x
Joan Randell, et al.,

Plaintiffs-Respondents,

-against-

M-4735
Index No. 106069/05

The City of New York, et al.,

Defendants-Appellants.
-----x

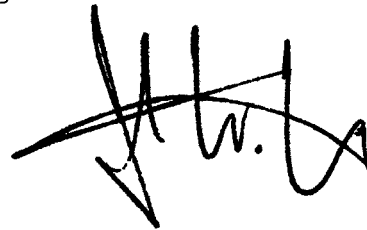
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 22, 2008 (mot. seq. no. 001), and said appeal having been perfected,

And defendants-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 23, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Luis A. Gonzalez
James M. Catterson
Rolando T. Acosta, Justices.

-----X
Ana Reyes,

Plaintiff-Respondent,

-against-

M-4834
Index No. 21928/06

Andres Brito,

Defendant-Appellant.
-----X

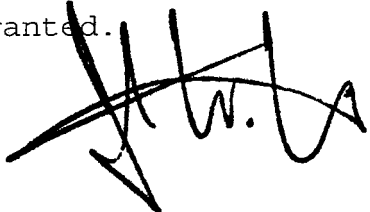
And appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 31, 2008,

And defendant-appellant having moved for an order staying 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 23, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Luis A. Gonzalez
James M. Catterson
Rolando T. Acosta, Justices.

-----X
Teresa Moore, et al.,
Plaintiffs-Respondents,

-against-

M-4832 & M-4934
Index No. 112732/04

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

New York College of Podiatric
Medicine,
Defendant-Appellant,

China Construction America, Inc.,
Defendant-Appellant.

-----X

Separate appeals having been taken from the order of the Supreme Court, New York County, entered on or about January 17, 2008 (mot. seq. no. 004 & 005), and said appeals having been jointly perfected for the December 2008 Term of this Court,

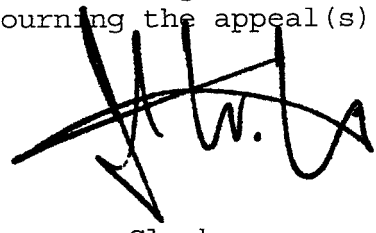
And defendants-appellants having moved for an order staying trial, pending hearing and determination of the aforesaid appeal(s) (M-4832),

And plaintiffs-respondents having cross-moved for an enlargement of time in which to file their respondents' brief (M-4934),

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 stay trial is granted. The cross motion is granted to the extent of adjourning the appeal(s) to the January 2009 Term.

ENTER:



Clerk.