

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 September 2, 2008.

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

-----X
In the Matter of

Walter C.,
Petitioner-Respondent,

-against-

Jovanka F.,
Respondent-Appellant.
-----X

M-3790
Docket Nos. V5393/99/00C
V5393/00/01D
V5393/99/02E
V5393/99/03F-G

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal from the order of the Family Court, Bronx County, entered on or about April 27, 2007, and for assignment of counsel, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Anne Reiniger, Esq., 801 Second Avenue, 7th Floor, New York, NY 10017, Telephone No. 212-972-5430, Ext. 25, as counsel, for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 10 copies thereof are filed with this Court. Assigned counsel is directed to contact the Clerk of this Court with respect to obtaining a copy of the minutes herein.

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 September 2, 2008.

PRESENT - Hon. Peter Tom,
Luis A. Gonzalez
James M. Catterson
Karla Moskowitz,

Justice Presiding,

Justices.

-----X
Juanita Carmona and George Carmona,
Plaintiffs-Respondents,

-against-

Kevin Ross Mathisson, M.D. and
Montefiore Medical Center,
Defendants-Respondents,

Alcon Laboratories Inc., et al.,
Defendants-Appellants,

Maple Eye Associates, LLP
"John/Jane Does", R.N. 1
through 3 whose names are unknown,
Doe Manufacturing Companies and/
or Corporations 1 through 10 etc.,
Defendants.

M-3564
Index No. 25879/03

-----X

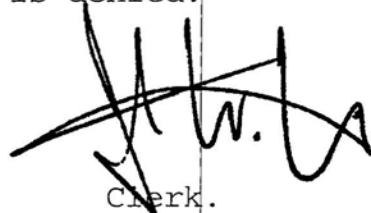
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 20, 2008,

And defendants-respondents Kevin Ross Mathisson, M.D. and Montefiore Medical Center having moved for an order enlarging the record on appeal to include the papers submitted in connection with their order to show cause seeking a protective order concerning their expert's identity,

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 September 2, 2008.

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

-----X
Susan Charney,
Plaintiff-Respondent,

-against-

M-3603
Index No. 24517/88

North Jersey Trading Corp.,
Defendant,

Judith Herskowitz,
Defendant-Appellant.

-----X

Paul Windels III, appointed receiver for defendant, North Jersey Trading Corp., having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about August 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 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 September 2, 2008.

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

-----X
The City of New York, et al.,
Plaintiffs-Respondents,

-against-

TOA Construction Co. Inc., et al.,
Defendants-Appellants.

M-3890
Index No. 400584/08

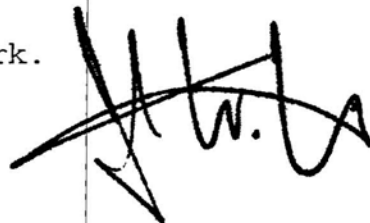
-----X
Defendants-appellants having moved for a stay of enforcement of the orders of the Supreme Court, New York County, entered on or about May 20, 2008 (mot. seq. no. 001), July 17, 2008 (mot. seq. no. 002) and July 30, 2008, respectively, pending hearing and determination of the appeals taken therefrom, and 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 only to the extent of consolidating the appeals, and the motion is otherwise denied. The interim relief granted by an order of a Justice of this Court, dated August 11, 2008, is hereby vacated.

E N T E R:

Clerk.



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

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

-----X
Awilda Cortez, as Administratrix of
the Goods, Chattels and Credits of
Juan Cortez, Deceased,

Plaintiff-Appellant,

M-3754

Index No. 24481/02

-against-

Delmar Realty Co., Inc., et al.,

Defendants-Respondents.
-----X

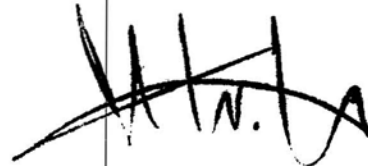
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about October 11, 2005, and said appeal having been perfected for the October 2008 Term,

And plaintiff-appellant, Awilda Cortez, having moved to amend the caption and insert her name as "Administratrix of the Goods, Chattels and Credits of Juan Cortez, Deceased",

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 caption is amended, as indicated. Plaintiff-appellant is directed to expeditiously correct the caption on the record on appeal and all briefs filed with this Court.

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 September 2, 2008.

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

-----X
Ramos Aguilar Delfino,
Plaintiff-Respondent,

-against-

Rodolfo Luzon,
Defendant-Appellant.
-----X

M-3994
Index No. 117860/06

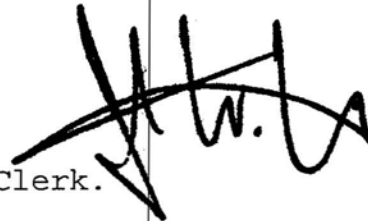
Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about May 21, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted.

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 September 2, 2008.

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

-----X
Sara Kinberg,
Plaintiff-Appellant,

-against-

Yoram Kinberg,
Defendant-Respondent.
-----X

M-3843
Index No. 1628/06

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 2, 2007,

And defendant-respondent having moved for an order enlarging the record on appeal to include certain documents related to the "Israel Apartment", Exhibit 1 to moving papers, and for imposition of costs and sanctions upon plaintiff,

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 defendant-respondent to file a supplemental record containing the documents in Exhibit 1 to moving papers, without prejudice to plaintiff advancing her objections to consideration of the aforesaid documents in her reply. The motion is otherwise denied.

E N T E R:


Clerk.

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

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

-----X
Zoraida Lopez,
Plaintiff-Respondent,

-against-

M-3623
Index No. 24605/04

Mumtaz K. Master, M.D., et al.,
Defendants,

Ronald H. McLean, M.D.,
Defendant-Appellant.
-----X

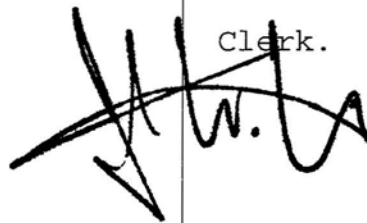
Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 8, 2008,

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 September 2, 2008.

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

-----X
Andrew Mark, etc.,
Plaintiff-Appellant,

Smart Tone Authentication, Inc.
and Smart Tone Inc.,
Plaintiffs,

-against-

M-4058
Index No. 103805/06

Dechert LLP, formerly known as
Dechert Price & Rhodes, LLP,
Defendants-Respondents.

-----X
Eric W. Berry,
Non-Party Appellant.

-----X

Consolidated appeals having been taken by plaintiff-appellant Andrew Mark from an order and judgment (one paper) and the amended judgment of the Supreme Court, New York County, entered on or about June 15, 2007 (mot. seq. no. 002) and March 19, 2008, respectively

And an appeal having been taken by non-party appellant Eric W. Berry from the aforesaid order and judgment (one paper) of said court, entered on or about June 15, 2007 (mot. seq. no. 002),

And non-party appellant Eric W. Berry having moved for an order enlarging the record on appeal to include certain documents attached to the moving papers as Exhibit 2,

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 September 2, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John T. Buckley
Richard T. Andrias
Dianne T. Renwick,
Leland G. DeGrasse, Justices.

-----X
Dennis Simone and Susan Simone,
Plaintiffs-Appellants,

-against-

Gerald McNamara and Renee Petrofes,
Defendants-Respondents.

M-3757
M-3865
Index No. 110275/05

-----X

An order of this Court having been entered on June 5, 2008 (M-2243) consolidating the appeals taken from the judgment and amended judgment of the Supreme Court, New York County, entered on or about June 1, 2007 and October 18, 2007, respectively,

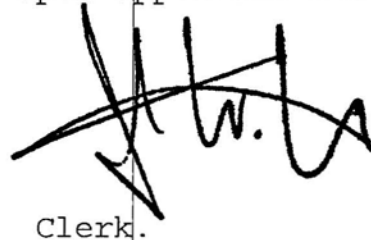
And plaintiffs-appellants having moved for an enlargement of time in which to perfect the consolidated appeal,

And defendants-respondents having cross-moved to dismiss the consolidated appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeal to the December 2008 Term. The cross motion to dismiss said appeal is granted unless appellant perfects the consolidated appeal for said Term. Upon failure to so perfect, an order dismissing the consolidated appeal may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days from the date of entry hereof.

ENTER:



Clerk.

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

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

-----x
William Taylor,
Plaintiff-Respondent,

-against-

Miguel A. Vasquez,
Defendant-Appellant,

M-3803
Index No. 16823/06

-and-

Calvin Osborne,
Defendant.

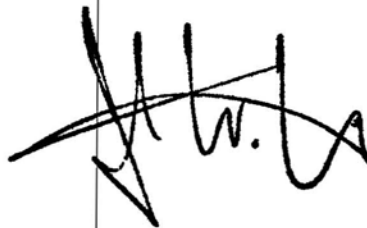
-----x

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about May 13, 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 September 2, 2008.

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

-----x
Michael F. Vukovich,
Plaintiff-Respondent-Appellant,

-against-

1345 Fee LLC, et al.,
Defendants-Appellants-Respondents,

Adco Electrical Corp.,
Defendant-Respondent.
-----x

M-3999
M-4081
Index No. 115989/05

An appeal and cross appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 1, 2008 (mot. seq. no. 001),

And defendants-appellants-respondents having moved for a stay of trial currently scheduled for September 9, 2008, pending hearing and determination of the appeal and cross appeal (M-3999),

And plaintiff-respondent-appellant having cross-moved for adjournment of the appeal and cross appeal (M-4081),

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 (M-3999) and cross motion (M-4081) are granted to the extent of staying the trial herein pending hearing and determination of the appeal and cross appeal, which are adjourned to the December 2008 Term. Responding points on the direct appeal and plaintiff's points on the cross appeal are to be served and filed on or before September 29, 2008, with regular December Term filing dates thereafter.

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 September 2, 2008.

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

-----X
Pamela Weadick, et al.,
Plaintiffs-Appellants,

-against-

Carol Anne Herlihy,
Defendant-Respondent.
-----X

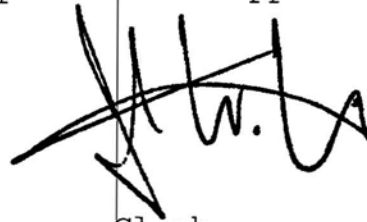
M-4036
Index No. 600127/03

Plaintiffs-appellants 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 18, 2008 (mot. seq. no. 007),

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 January 2009 Term.

E N T E R:



Clerk.

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

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

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

-against-

Daniel Pena,
Defendant-Appellant.

M-3906
Ind. No. 64348C/04

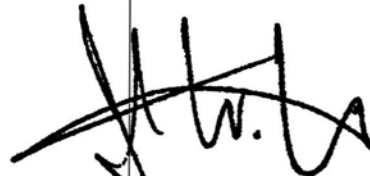
-----X

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 July 21, 2006, 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 September 2, 2008.

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

-----X
Russell Bedford Stefanou Mirchandani
LLP, et al.,
Plaintiffs-Appellants,

-against-

M-3690X
Index No. 603596/04

20 West 37th Street Owners, LLC, et al.,
Defendants-Respondents.

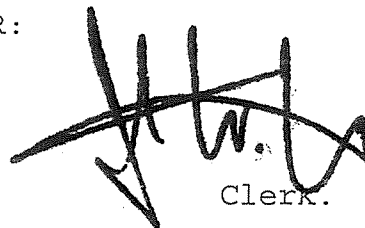
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 28, 2008 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 24, 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 September 2, 2008.

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

-----X
Ruvolo & DiMaria, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-3692X
Index No. 603558/03

19th Street Associates LLC and
Kaufman Management Company, LLC,
Defendants-Appellants,

Kaltech Industries Group, Inc.,
et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 16, 2007 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 24, 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 September 2, 2008.

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

-----X
Adam C. Robison, et al.,
Plaintiffs-Respondents,

-against-

M-3693X
Index No. 114409/07

Carin M. Ohnell,
Defendant-Appellant,

John Doe and Jane Doe,
Defendants.

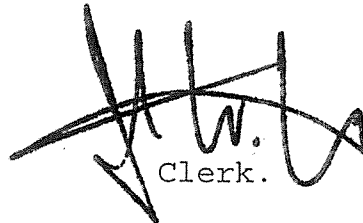
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 28, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 28, 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 September 2, 2008.

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

-----X
Power Del Valle, LLP,
Plaintiff-Respondent,

-against-

M-3694X
Index No. 117926/04

Trademark & Patent Counselors
of America, P.C., et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the amended order of the Supreme Court, New York County, entered on or about October 26, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 28, 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 September 2, 2008.

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

-----X
The Board of Managers of the
Bradhurst Condominium,
Plaintiff-Respondent,

-against-

M-3695X
Index No. 101353/05

Thelma Moore,
Defendant-Appellant,

Artrude Anderson, et al.,
Defendants.

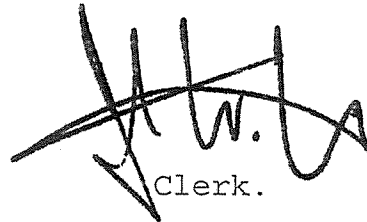
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 27, 2008 (mot. seq. nos. 005 and 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 28, 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 September 2, 2008.

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

-----X
Cipriani 200, LLC,
Plaintiff-Respondent,

-against-

M-3697X
Index No. 602657/07

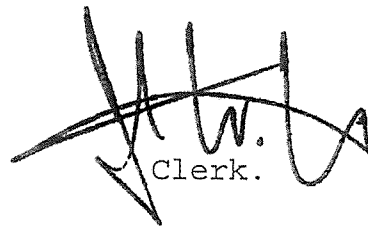
200 Fifth Avenue Owner LLC,
Defendant-Appellant.
-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about October 19, 2007 (mot. seq. no. 003) and November 2, 2007 (mot. seq. no. 002), respectively,

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

It is ordered that the appeals are 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 September 2, 2008.

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

-----X
Ace Packing Co., Inc.,
Plaintiff-Respondent,

-against-

M-3699X
Index No. 604424/04

Campbell Solberg Associates, Inc.,
Defendant-Appellant,

David J. Louie, Inc., et al.,
Defendants.

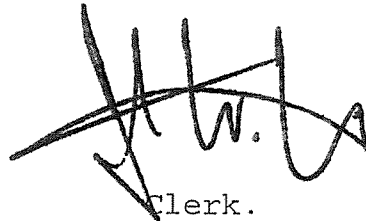
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 28, 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 September 2, 2008.

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

-----X
Sagecrest II, LLC,

Plaintiff-Respondent,

-against-

M-3763X
Index No. 600195/07

ACG Credit Company, LLC, et al.,

Defendants-Appellants.

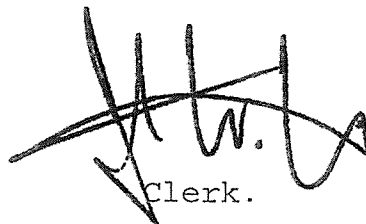
[And another action]
-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about December 24, 2007 (mot. seq. no. 003) and December 28, 2007 (mot. seq. no. 002), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 30, 2008, and due deliberation having been had thereon,

It is ordered that the appeals are 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 September 2, 2008.

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

-----X
Everest Special Situations Fund, L.P.,
Plaintiff-Respondent,

-against-

M-3764X
Index No. 603666/07

Asiamart, Inc.,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 8, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 29, 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 September 2, 2008.

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

-----X
Juan A. Paulino and Ingrid Paulino,
Plaintiffs,

-against-

The City of New York,
Defendant,

John Catsimatidis,
Defendant,

Pichon Food, Inc.
Defendant.

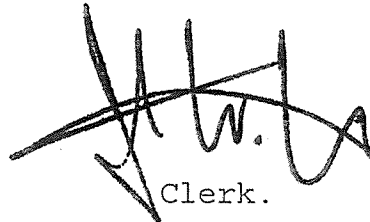
M-3711
Index No. 20647/03
Index No. 13792/05

-----X
An appeal and cross appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about October 12, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated July 7, 2008, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal 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 September 2, 2008.

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

-----X
Jeffrey M. Gross, M.D., et al.,
Plaintiffs-Appellants-Respondents,

-against-

M-3762X
Index No. 602848/05

Empire Healthchoice Assurance, Inc.,
Defendant-Respondent-Appellant,

Guardian Life Insurance Company of
America, et al.,
Defendants.

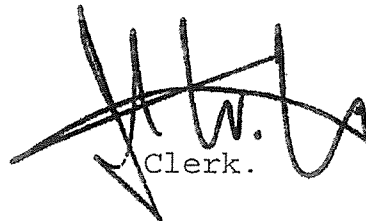
-----X

Appeals and cross appeals having been taken from the orders of the Supreme Court, New York County, entered on or about May 19, 2006 (mot. seq. no. 002) and July 18, 2007 (mot. seq. no. 003), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 30, 2008, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeals are 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 September 2, 2008.

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

-----X
In the Matter of

Mazzocchi Wrecking, Inc.,
Petitioner-Appellant,

-against-

M-3743
Index No. 111064/06

Department of Housing Preservation and
Development of the City of New York
and the City of New York,
Respondents-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 3, 2007 (mot. seq. no. 003),

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

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

ENTER:


Clerk.

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

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

-----X
Richard Rosenbaum,
Plaintiff-Respondent,

-against-

M-3616
Index No. 101693/07

Atlas & Design Contractors, Inc.,
Defendant-Appellant.
-----X

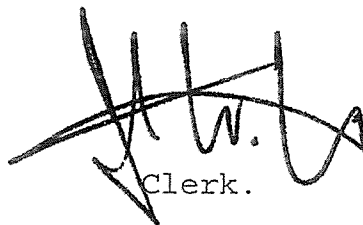
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 17, 2008,

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

Now, upon reading and filing the stipulation of the parties hereto, dated July 30, 2008, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 2, 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-3374
Ind. No. 2923/05

Devin Keitt,
Defendant-Appellant.

-----X


An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 4, 2006,

And defendant-appellant having moved for, inter alia, leave to file a pro se supplemental brief, and for other relief,

Now, upon reading and filing the papers with respect to the motion and correspondence filed by defendant-appellant dated July 22, 2008, and due deliberation having been had thereon,

It is ordered that the motion 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 September 2, 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-3377
Ind. No. 3081/07

Terrance Underwood,
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,

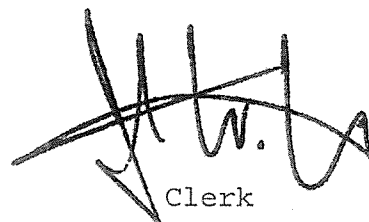
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 September 2, 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-3450
Ind. No. 2918/07

Pedro Olivo,
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 20, 2008, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

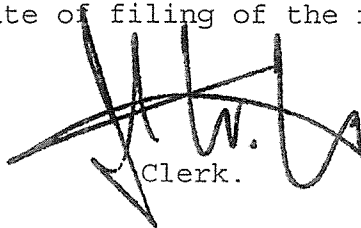
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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 September 2, 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-3519
Ind. No. 1565/03

Alfredo Arvelo,
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 (Arlene R. Silverman, J.) entered on or about May 28, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

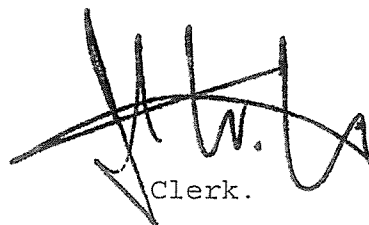
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

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 September 2, 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-3408
Ind. No. 470/06

Mesias Pina, also known as
Angel Cruz,
Defendant-Appellant.

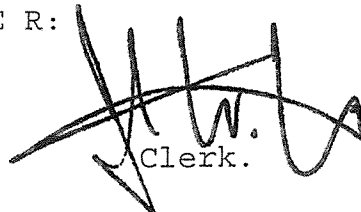
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 4, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Robert Kalina, 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.)

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 September 2, 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-3410
Ind. No. 3570/07

Thanh Do,
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 24, 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(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income, listing his property with its value, and a statement as to his employment status.

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 September 2, 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-3412
Ind. No. 6399/07

Christopher Clark, also known as
Angel Cruz,
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 20, 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, setting forth his indigency pursuant to CPLR 1101(a), including the sources of funds used 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 this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 September 2, 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-3413
Ind. No. 95093/05

Ann Landsman,

Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about August 7, 2007, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, James J. Culleton, 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 September 2, 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-3419

Ind. No. 4488/07

Ronald Luckey,

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 May 29, 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(a), setting forth the amount and sources of funds to post the \$30,000 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 September 2, 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-3444

Ind. No. 5828/05

Yeong Sook Shin,

Defendant-Appellant.

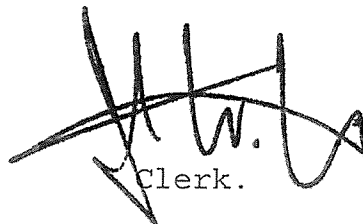
-----X

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 October 16, 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 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, Jonathan Strauss, 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 September 2, 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,

-against-

M-3341
Ind. No. 333/02

Kamar Johnson,

Defendant.

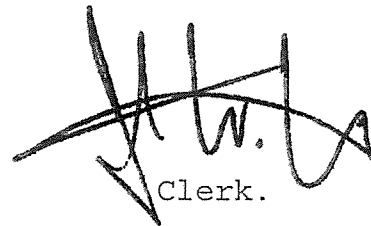
-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about August 12, 2002, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

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

Ordered that the motion is denied. (CPL 460.30 subd. 1.)

ENTER:


Clerk.

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

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

-----X

Tremaine C.,
Petitioner-Respondent,

-against-

Nicola M.,
Respondent-Appellant.

-----X

M-3309

Docket Nos. V 20764-01/05C

V 20764-01/05D

IDV No. 2005 00118

An appeal having been taken to this Court by respondent mother from an amended order of the Supreme Court, Bronx County, Integrated Domestic Violence Court, entered on or about November 2, 2006,

And petitioner-respondent father having moved for leave to respond to said appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that petitioner-respondent has no funds or assets with which to respond to the appeal. The appeal is adjourned to the January 2009 Term.

ENTER:


Clerk

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

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

-----X
Martin Riskin, et al.,
Plaintiffs-Appellants,

-against-

M-3308
Index No. 112188/99

Pam Vic Enterprises, Ltd.,
also known as Pam-Vic Enterprises,
Ltd., also known as PAMVIC
Enterprises, Ltd., et al.,
Defendants-Respondents.

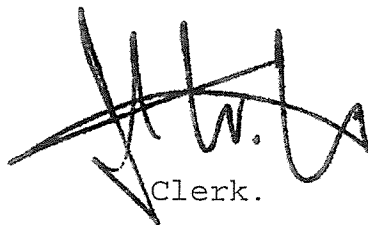
-----X

Plaintiffs-appellants 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 March 30, 2007 (mot. seq. no. 007),

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 December 2008 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 September 2, 2008.

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

-----X
Erika Wiesel,
Plaintiff-Appellant,

-against-

310 East 46 LLC,
Defendant-Respondent.

M-3339
Index No. 111890/04

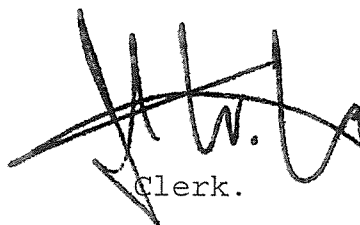
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about July 11, 2007,

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

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

ENTER:


Clerk.

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

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

-----X
Jaqueline Klein-Bullock, individually
and as Administratrix of the Estate
of Ruth Klein, also known as Ruth S.
Klein, Deceased,
Plaintiff-Appellant,

-against-

M-3397
Index No. 114009/05

North Shore University Hospital at
Forest Hills, et al.,
Defendants-Respondents.


-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about June 5, 2007,

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

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

ENTER:


clerk.

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

Shirley M., also known as
Cherly C-M., and
Melanie M., also known as
Melanie C-M.,

Children Under the Age of 14 Years
of Age Alleged to be Abused and/or
Neglected.

M-3442
Docket Nos. NA10638/05
NA11705/05

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

Jose M.,
Respondent-Appellant.

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

-----x

Respondent-appellant father having moved for an enlargement of time in which to perfect the appeal from orders of the Family Court, New York County, entered on or about July 11, 2007 and September 27, 2007, respectively,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals to the December 2008 Term.

ENTER:


Clerk

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

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

-----X
Mahamadou Dembele,
Plaintiff-Appellant,

-against-

M-3513
Index No. 24565/05

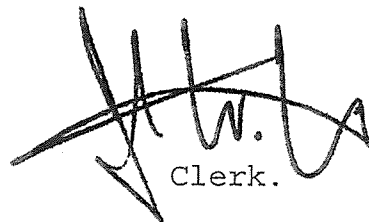
Pedro A. Cambisaca,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about September 25, 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 December 2008 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 September 2, 2008.

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

-----X
Fernando Charlie,
Plaintiff-Appellant,

-against-

M-3298
M-3335
Ind. No. 17647/05

Carlos Guerrero,
Defendant,

-and-

Henry Contreras and Manuel Jimenez,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from an order of the Supreme Court, Bronx County, entered on or about August 27, 2007 (M-3298),

And defendants-respondents having cross moved for an order dismissing the aforesaid appeal (M-3335),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 2008 Term, with no further enlargements to be granted. The cross 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 September 2, 2008.

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

-----X
Jane L. Rosenthal,
Plaintiff-Respondent,

-against-

M-3560
Index No. 300071/03

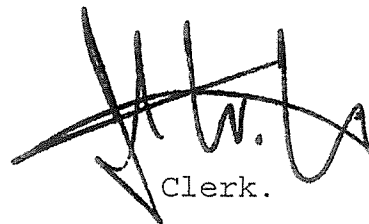
Bruce B. Cahan,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about December 17, 2007 (mot. seq. nos. 003, 004, 012),

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

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

ENTER:


Clerk.

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

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

-----X
Dasheem Owens, an infant, under
the age of fourteen (14) years,
by his mother and natural guardian
Roxanne Henry,
Plaintiffs-Respondents,

-against-

M-3613
Index No. 20929/03

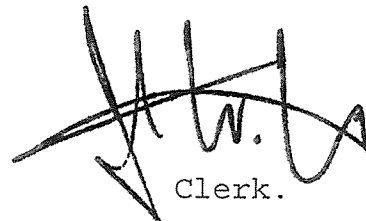
The City of New York,
Defendant-Appellant.

-----X
Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about June 23, 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 granted to the extent of enlarging appellant's time in which to perfect the appeal to the January 2009 Term.

E N T E R:


Clerk.

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

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

-----X
Leonard Zachary Sotomayor, individually
as assignee of the rights of H-T Capital,
Inc. and derivatively on behalf of
T-1 Holdings, LLC,
Plaintiff-Respondent/Respondent-Appellant,

-against-

M-3489
Index No. 604076/03

Medifast, Inc., formerly Healthrite,
Inc., et al.,
Defendant/Appellant-Respondent,

David Scheffler,
Defendant-Appellant/Respondent-Appellant,

T-1 Holdings, LLC,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 4, 2007 (mot. seq. no. 003) and an appeal and cross appeals having been taken from the order of said court entered on or about May 12, 2008 (mot. seq. nos. 004 and 005), respectively,

And defendant-appellant David Scheffler having moved for an enlargement of time in which to perfect the appeal from the order entered on or about September 4, 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, sua sponte, the appeals and cross appeals are consolidated, and the time in which to perfect the consolidated appeals and cross appeals are enlarged to on or about January 5, 2009 for 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 September 2, 2008.

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

-----X
Jessica Garcia,
Plaintiff-Appellant,

-against-

M-3366
Index No. 14768/06

Juan Carlos Defex, D.D.S.,
Defendant-Respondent.
-----X

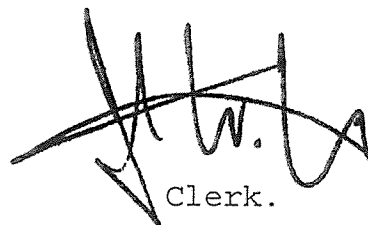
An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 2, 2007,

And defendant having moved for an enlargement of time in which to perfect its direct appeal, or for alternative 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 direct appeal as withdrawn. The cross appeal taken by plaintiff is deemed a direct appeal and plaintiff is directed to so perfect on or before September 29, 2008 for the December 2008 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 September 2, 2008.

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

-----x
Bruce Pomahac,
Plaintiff-Respondent-Respondent,

-against-

M-3378

Trizechahn 1065 Avenue of the Americas,
LLC.,
Defendant-Appellant-Respondent,

Index No. 105689/04

American Building Maintenance Co.,
Defendant-Respondent-Appellant,

American Building Maintenance Co. of
New York,
Defendant,

Sterling Services Company and Onesource
Holdings, Inc.,
Defendants-Respondents.

Trizechahn 1065 Avenue of the Americas,
LLC.,
Third-Party Plaintiff-Appellant-
Respondent,

-against-

American Building Maintenance Co.,
Third Party Defendant-Respondent-
Appellant,

Index No. 591169/04

American Building Maintenance Co. of
New York,
Third-Party Defendant,

Sterling Services Company and Onesource
Holdings, Inc.,
Third-Party Defendants-Respondents.

-----x

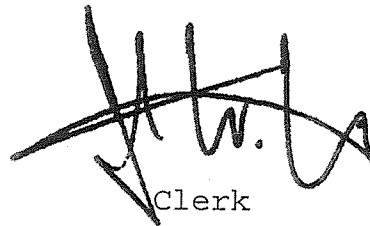
An appeal and cross appeal having been taken to this Court by Trizechahn 1065 Avenue of the Americas, LLC. and American Building Maintenance Co., respectively, from the order of the Supreme Court, New York County, entered on or about September 17, 2007,

And defendant American Building Maintenance Co. of New York and Trizechahn 1065 Avenue of the Americas, LLC. having jointly moved for an enlargement of time in which to perfect the aforesaid appeal and cross 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 time in which to perfect the appeal and cross appeal is enlarged to the January 2009 Term. The attention of the parties is directed to Rule 600.11(d) with respect to 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 September 2, 2008.

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

-----X
John M. Van Deventer, James R. Clark
and C2C Consultants, Ltd.,
Plaintiffs-Counterclaim
Defendants-Respondents,

-against-

M-3529
Index No. 603151/03

CS SCF Management Limited,
Credit Suisse First Boston (USA),
CS Capital Partners, Ltd.,
CS Structured Credit Fund, Ltd.,
Defendants-Counterclaim
Plaintiffs-Appellants,

Credit Suisse First Boston,
Defendant-Appellant,

Credit Suisse Fund Administration
Limited, and Queensgate Bank and
Trust Company, Ltd.,
Defendants.

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about July 5, 2007 (mot. seq. nos. 022, 027, 030 and 031), and from the judgment of said court entered on or about February 26, 2008, respectively,

And plaintiffs John M. Van Deventer, et al. having moved for dismissal of the aforesaid appeals or, in the alternative, for an enlargement of the record on 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 deeming the appeals from the orders entered on or about July 5, 2007 as subsumed in the appeal from the judgment entered on or about February 26, 2008, and defendants-appellants CS SCF Management Limited, et al. are directed to perfect the aforesaid appeal(s), and are granted leave to file a supplemental record, which includes certain disputed documents, on or before September 29, 2008 for the December 2008 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 September 2, 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-3360
Ind. No. 4363/06

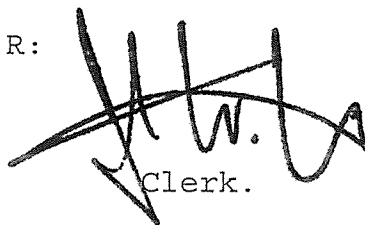
George Hayes,
Defendant-Appellant.

-----X
Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 10, 2007, having moved for leave to file a pro se supplemental brief and for related relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before December 3, 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 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.

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 September 2, 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-

SEALED
M-3516
Ind. No. 7146/03

Anonymous,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 21, 2006,

And defendant-appellant having moved for an order granting anonymity with respect to the appeal, designating the appeal as People v Anonymous, and sealing the record on appeal, including the minutes of the proceedings and the appellate briefs and motions,

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 that the record on appeal, Supreme Court record, minutes of the proceedings, briefs and motions are sealed. The Clerk is directed to calendar the appeal under People v Anonymous.

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 September 2, 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 by
Robert Kotick, as Executor of the
Last Will and Testament of
Charles M. Kotick, Deceased,
Petitioner-Appellant,

-against-

M-3458
Surrogate's Court
File No. 1202/05

Natalia Shvachko,
Respondent-Respondent.

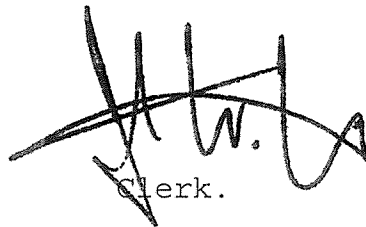
Pursuant to SCPA §1805 for Permission
to Pay a Debt Owing to Him by the
Decedent.

-----X
Petitioner-appellant having moved for an order staying the order of the Surrogate's Court, New York County, entered on or about April 18, 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, and the interim relief granted by an order of a Justice of this Court, dated July 14, 2008, is hereby vacated.

ENTER:


clerk.

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

Dan Lin, et al.,
Petitioners,

For a Judgment Pursuant to Article 78
of the CPLR and Rules §2219,

-against-

M-3118
Index No. 602582/07

J.H.O. Ira Gammerman,
Respondent.

-----X
An Article 78 proceeding in the nature of mandamus and/or prohibition having been commenced in this Court on or about June 18, 2008 seeking to stay further trial proceedings in the matter of Dan Lin et al., etc. v Eddie Bo Sze etc., et al., N.Y. County Index No. 602582/07 and to compel the assigned Judicial Hearing Officer, Hon. Ira Gammerman to conduct further discovery in the aforesaid action and other relief,

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

It is ordered that the application is denied, the proceeding dismissed and the interim relief granted by order of a Justice of this Court, dated June 19, 2008, is hereby vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 2, 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 a Proceeding for
Custody and/or Visitation under
Article 6 of the Family Court Act.

Mildred S. G.,
Petitioner-Respondent,

M-3344
Docket Nos. V25680-04/06H
V26657-04/05A
V26657-04/05B

-against-

Mark G.,
Respondent-Appellant.

Theresa Grogan, Esq.,
Law Guardian for the Child.

In the Matter of a Proceeding for
Custody and/or Visitation under
Article 6 of the Family Court Act.

Mark G.,
Petitioner-Appellant,

Docket No. V12205/08

-against-

Mildred S. G.,
Respondent-Respondent.

-----x
Appeals having been taken to this Court by respondent/petitioner-appellant from orders of the Family Court, Bronx County, entered on or about August 2, 2007, September 4, 2007, and June 12, 2008 respectively,

And an order of this Court having been entered on November 20, 2007 granting respondent leave to prosecute, as a poor person, the appeal from the order entered on or about August 2, 2007 (M-4411),

And respondent having moved for consolidation of the aforesaid appeals, an extension of poor person relief and an enlargement of time in which to perfect,

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 extending the poor person relief previously granted by the order of this Court entered on November 20, 2007 (M-4411) to cover all the appeals herein. Sua Sponte the appeal from the order entered August 2, 2007 is dismissed as superceded by the appeal from the order entered on or about September 4, 2007 which counsel is directed to perfect for the December 2008 Term. The motion, insofar as it seeks a consolidation of appeals, 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 September 2, 2008.

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

-----x
Savannah T&T Co., Inc., et al.,

Plaintiffs-Respondents,

-against-

M-3717
Index No. 101876/04

Force One Express, Inc., et al.,

Defendants-Appellants.
-----x

Defendants-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 July 17, 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 December 2008 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 September 2, 2008.

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

-----X
The People of the State of New York
ex rel. Herbert Lewis,
Petitioner-Appellant,

-against-

M-3583
Index No. 75056/07

Warden, Rikers Island, 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, Bronx County, entered on or about June 4, 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 December 2008 Term.

ENTER:


Clerk

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

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

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

Richard J. McAllan,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3846
Index No. 102343/07

The New York State Department of
Health, et al.,
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 11, 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 December 2008 Term.

ENTER:


Clerk

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

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

-----x
In the Matter of the Application of
Chanda Clemons,
Petitioner-Appellant,

For a Judgment, etc.,

M-3869
Index No. 400476/07

-against-

Tino Hernandez, 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 August 9, 2007 (mot. seq. no. 001),

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

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

ENTER:


Clerk

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

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

-----X
Barbara Witt, et al.,
Plaintiffs-Appellants,

-against-

Hill St. Commercial, LLC,
Defendant-Respondent.

M-3873

Index No. 115232/05

- - - - -
Hill St. Commercial, LLC,
Third-Party Plaintiff-Respondent,

-against-

Dan's Papers, Inc.,
Third-Party Defendant-Respondent.

-----X

Plaintiffs-appellants 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 16, 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 December 2008 Term.

ENTER:


Clerk

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

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

-----X
Amnon Shibolet and Yerushalmi,
Shibolet, Yisraeli & Roberts, LLP,
Plaintiffs-Respondents,

-against-

M-3792
Index No. 600350/98


Joseph Yerushalmi, Yerushalmi &
Associates, L.L.P., et al.,
Defendants-Appellants.
-----X

Defendants-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 March 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 the time in which to perfect the appeal to the December 2008 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 September 2, 2008.

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

-----X
Adrienne Matthews, et al.,
Plaintiffs-Appellants,

-against-

M-3796
Index No. 13504/98

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

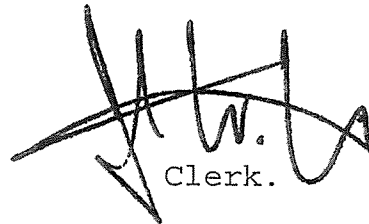
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about October 16, 2007,

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

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

ENTER:


Clerk.

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

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

-----X
Phillip R. Woodie,
Plaintiff-Respondent,

-against-

M-3897
Index No. 603582/04

Azteca International Corporation,
et al.,
Defendants-Appellants.

-----X

Defendants-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 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 the time in which to perfect the appeal to the January 2009 Term.

ENTER:


Clerk.

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

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

-----X
Diane Johnson, etc., et al.,
Plaintiffs-Appellants,

-against-

M-3637
Index No. 24965/99

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

- - - - -
(And a third-party action)
-----X

Plaintiffs-appellants 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 August 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 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 September 2, 2008.

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

-----X
Robin R. Owens,
Plaintiff-Respondent,

-against-

M-3810
Index No. 14294/05

Stevenson Commons Associates, L.P.,
et al.,
Defendants-Appellants-Respondents,

Mainco Elevator & Electrical Corp.,
Defendant-Respondent-Appellant,

-and-

Cambridge Security Services Corp.,
Defendant-Respondent.
-----X

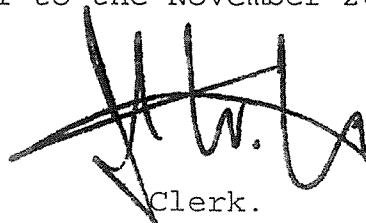
An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about November 1, 2007,

And defendant-respondent-appellant Mainco Elevator & Electrical Corp. having moved for an adjournment of their cross 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 and cross appeal to the November 2008 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 September 2, 2008.

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

-----X
Patrick McGarry Sr., et al.,
Plaintiffs-Respondents,

-against-

M-3666
Index No. 107635/05

CVP 1 LLC, et al.,
Defendants-Appellants.

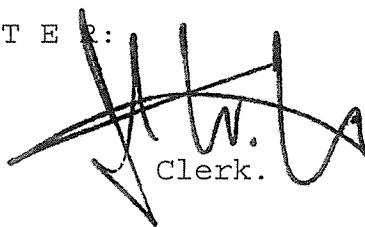
-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 11, 2008 (mot. seq. nos. 002 and 003),

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

It is ordered that the motion is granted.

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 September 2, 2008.

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

-----X
Tonya Morris,
Plaintiff-Respondent,

-against-

M-3670
Index No. 20054/05

Mady Cisse and Abdul Sawaneh,
Defendants-Appellant,

-and-

Paul Hiltbrand, Ltd.,
Defendant.

-----X
Defendants Cisse and Sawaneh having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 28, 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.

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 September 2, 2008.

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

-----X
In the Matter of the Application of
Marie Castro,
Petitioner,

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules,

-against-

M-3635
Index No. 405639/07

Department of Social Services East
End Job Center #023 2322 3rd Ave
New York, N.Y. 10035,
Respondent.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 1, 2007 (mot. seq. no. 001), to review a determination of respondent, and said proceeding having been perfected for the September 2008 Term,

And respondent having moved to dismiss the aforesaid proceeding, or for alternative 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 adjourning the aforesaid proceeding to the December 2008 Term, and petitioner is directed to serve her appellate brief upon the New York State Attorney General on or before October 2, 2008.

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 September 2, 2008.

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

-----x
Hon. Susan Larabee, Hon. Michael Nenno,
Hon. Patricia Nunez and Hon. Geoffrey
Wright,
Plaintiffs-Respondents-Appellants,

-against-

M-3563
Index No. 112301/07

Eliot Spitzer, as Governor of the State
of New York,
Defendant,

New York State Senate, New York State
Assembly, and State of New York,
Defendants-Appellants-Respondents.

-----x

Appeals and cross appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about February 7, 2008 (mot. seq. no. 001) and June 11, 2008 (mot. seq. no. 002), respectively,

And plaintiffs having moved (1) pursuant to CPLR 5519(c), for vacatur of the statutory stay afforded State defendants pending hearing and determination of the appeal and cross appeal from the order entered on or about June 11, 2008; (2) for consolidation of both the aforesaid appeals and cross appeals; (3) for a preference in the hearing thereof and (4) for an expedited briefing schedule,

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

It is ordered that the appeals and cross appeals are consolidated for hearing in the fourth week of the November 2008 Term, i.e. the week of November 17, 2008, for which Term and week the Clerk is directed to so calendar the appeals and cross appeals. Direct appellants shall serve and file the consolidated joint record and their points on or before September 24, 2008;

plaintiffs' points in response and on the cross appeal to be served and filed on or before October 24, 2008. Defendants' responding points on the cross appeal and in reply on the direct appeal to be served and filed on or before November 3, 2008, and plaintiffs' reply on the cross appeal to be served and filed on or before November 12, 2008. 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 September 2, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. Catterson
Rolando T. Acosta, Justices.

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

-against-

M-3342
Ind. No. 2828/07

Victor Marte,
Defendant-Appellant.

-----x

An appeal having been taken to this Court by defendant from a judgment of the Supreme Court, New York County, rendered on or about November 15, 2007,

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

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), and in compliance with the prior order of this Court entered on April 29, 2008 (M-1519), a copy of which is annexed hereto.

ENTER:



Clerk

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

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

-----X
Daniel Ryan,
Plaintiff-Respondent,

-against-

M-3802
Index No. 601909/05

Kellogg Partners Institutional
Services,
Defendant-Appellant.


-----X

Defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 26, 2008 (mot. seq. no. 003),

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

It is ordered that the motion is denied.

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 September 2, 2008.

Present - Hon. Luis A. Gonzalez,
Milton L. Williams
James M. Catterson
Karla Moskowitz,

Justice Presiding,

Justices.

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

-against-

M-3343
Ind. No. 4512/02

Steven Darbasie,
Defendant-Appellant.

-----X

An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about June 12, 2003,

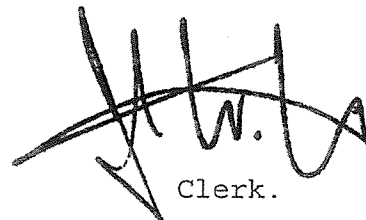
And orders of this Court having been entered on January 29, 2008 (M-6674) and April 8, 2008 (M-1108), inter alia, granting defendant an extension of time in which to file a pro se supplemental brief,

And defendant having moved for a further extension of time in which to file the pro se supplemental brief, and to be provided with the minutes of his arraignment held on or about August 1, 2002 in Part 50, 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 November 10, 2008 for the January 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 arraignment for inclusion in the record, a copy of which is to be forwarded to defendant at his place of incarceration. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


Clerk.

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

BEFORE: Hon. Jonathan Lippman
Justice of the Appellate Division

-----X

The People of the State of New York,

M-3075

Ind. No. 13572/90

-against-

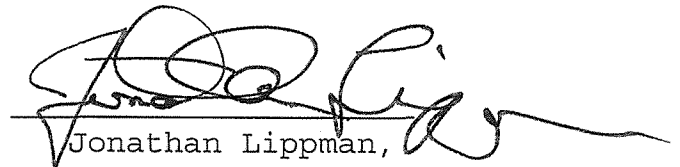
ORDER DENYING

REARGUMENT

Sidney Hayes,
Defendant.

-----X

I Jonathan Lippman, a Justice of the Appellate Division, First Department, do hereby certify that, upon defendant's application to reargue his previously denied motion (M-1934) for a certificate pursuant to Criminal Procedure Law § 460.15 granting leave to appeal from an order of the Supreme Court, New York County (Rena K. Uviller, J.), entered on or about March 19, 2008, and, upon a review of the record and proceedings herein, there being no question of law or fact misapprehended or overlooked in connection with the prior motion's denial, reargument is hereby denied.


Jonathan Lippman,
Presiding Justice

Dated: August 20, 2008
New York, New York

ENTERED: SEP 02 2008

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

BEFORE: Hon. Jonathan Lippman,
Justice of the Appellate Division

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

M-3351
Ind. Nos. 2862/96
6111/96


-against-

CERTIFICATE
DENYING LEAVE

Frederick Muldrow,

Defendant.
-----X

I, Jonathan Lippman, 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, Bronx County (Richard Lee Price, J.), entered on or about May 29, 2008, is hereby denied.


Jonathan Lippman,
Presiding Justice

Dated: August 19, 2008
New York, New York

ENTERED: SEP 02 2008

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

BEFORE: Hon. Karla Moskowitz
Justice of the Appellate Division

-----X
In the Matter of the Application for
Guardianship and Custody of

Khaalid S.,
Tina T., and
Triana T.,

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

M-3549
Docket Nos. NN3923-08/08A
NN3924-08/08A
NN3925-08/08A

Administration for Children's Services,
Petitioner-Respondent,

William T.,
Respondent-Appellant.


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

-----X
Respondent-appellant having moved for a stay of execution
of the Order of Commitment of the Family Court, Bronx County,
entered on or about July 17, 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.

Dated: August 20, 2008
New York, New York



Karla Moskowitz
Associate Justice

Entered: **SEP 02 2008**

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

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

M-3095
Ind. No. 9173/90

-against-

CERTIFICATE
DENYING LEAVE

Richard Shaw, Defendant.
-----X

Defendant having moved for reargument and/or renewal of the order of a Justice of this Court entered May 8, 2008 (M-1781) which denied defendant's application for a certificate granting leave to appeal to this Court from an order of the Supreme Court, Bronx County, entered on February 14, 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 in its entirety.



Leland G. DeGrasse
Associate Justice

Dated: New York, New York

August 19, 2008

ENTERED SEP 02 2008

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

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

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

M-3281
Ind. No. 6051/06

-against-

CERTIFICATE
DENYING LEAVE

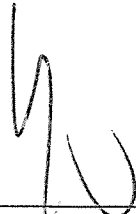
Cal Stuart a/k/a Carl Stuart Tieri,
Defendant.

-----X

I, Hon. Leland G. DeGrasse, 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 April 30, 2008, is hereby denied.

Dated: New York, New York
, 2008

August 18,



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED SEP 02 2008

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

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

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

M-3284
Ind. No. 3701/01

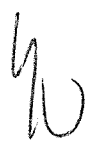
-against-

CERTIFICATE
DENYING LEAVE

Rodney Freeman, Defendant.
-----X

I, Hon. Leland G. DeGrasse, 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 June 2, 2008, is hereby denied.

Dated: New York, New York
August 19, 2008



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED SEP 02 2008

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

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

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

M-3402
Ind. No. 4018/82

-against-

CERTIFICATE
DENYING LEAVE

Nathan Dodell a/k/a Nathan Hardy, Defendant.
-----X

I, Hon. Leland G. DeGrasse, 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 June 5, 2008, is hereby denied.

Dated: New York, New York
August 19, 2008

LD

Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

SEP 02 2008

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

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

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

M-3547
Ind. No. 2928/01

-against-

CERTIFICATE
DENYING LEAVE

Kevin Saxon, Defendant.
-----X

I, Hon. Leland G. DeGrasse, 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 June 12, 2008, is hereby denied.

Dated: New York, New York
August 19, 2008



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED SEP 02 2008

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

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

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

M-3571
Ind. No. 2708/00

-against-

CERTIFICATE
DENYING LEAVE

Anthony Bennett aka Fitzgerald McClatchie,
Defendant

-----X

I, Hon. Leland G. DeGrasse, 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 August 2, 2007, is hereby denied.

Dated: New York, New York
August 20 , 2008

40

Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

SEP 02 2008

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

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

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

M-3959
Ind. No. 7334/95

-against-

CERTIFICATE
DENYING LEAVE

Carlos Urena a/k/a Danilo Urena, Defendant.
-----X

I, Hon. Leland G. DeGrasse, 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 decision of the Supreme Court, New York County, entered on or about July 1, 2008, is hereby denied.

Dated: New York, New York
August 20, 2008



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

SEP 02 2008