

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 16, 2008.

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

-----X  
Germano Palumbo,  
Plaintiff,

-against-

M-3816X  
Index No. 109162/04

Stanley Stahl, doing business as  
Stahl Park Avenue Co., et al.  
Defendants,

Cauldwell-Wingate Company, Inc.,  
Defendant.

-----  
Cauldwell Wingate Company, Inc.,  
Third-Party Plaintiff,

-against-

Index No. 591264/04

Forest Electric Corp.,  
Third-Party Defendant.

-----  
Stanley Stahl, doing business as  
Stahl Park Avenue Co., et al.,  
Second Third-Party Plaintiffs,

-against-

Index No. 591144/05

JP Morgan Chase, also known as  
The Chase Manhattan Corp.,  
Second Third-Party Defendant.

-----  
Cauldwell Wingate Company, Inc.,  
Third Third-Party Plaintiff,

-against-

Index No. 590037/06

Fortune Interior Demolition, et al.,  
Third Third-Party Defendants,

Fortune Interior Dismantling Corp.,  
Third Third-Party Defendant.  
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-----  
JP Morgan Chase Bank,  
Fourth Third-Party Plaintiff,

-against-

Index No. 590813/06

Cauldwell-Wingate Company, Inc.,  
Fourth Third-Party Defendant,

Forest Electric Corp.,  
Fourth Third-Party Defendant,

Fortune Interior Dismantling Corp.,  
Fourth Third-Party Defendant.

-----X

Separate appeals having been taken by third third-party/fourth third-party defendant Fortune Interior Dismantling Corp. from the orders of the Supreme Court, New York County, entered on or about January 18, 2008 (mot. seq. nos. 005 and 006) and January 22, 2008 (mot. seq. no. 004); and separate appeals having been taken from the aforesaid orders of Supreme Court by third-party/fourth third-party defendant Forest Electric Corp., and by third-party plaintiff/third third-party plaintiff/fourth third-party defendant Cauldwell-Wingate Company, Inc. from the aforesaid order entered on or about January 22, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 4, 2008, and due deliberation having been had thereon,

It is ordered that all appeals are withdrawn in accordance with the aforesaid stipulation.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 16, 2008.

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

-----X  
Tomas Arturo Claros,  
Plaintiff-Appellant-Respondent/  
Respondent,

-against-

M-3817X  
Index No. 25581/01

780 West Corp. and 780 West Avenue  
Condominium,  
Defendants-Respondents-Appellants/  
Appellants.

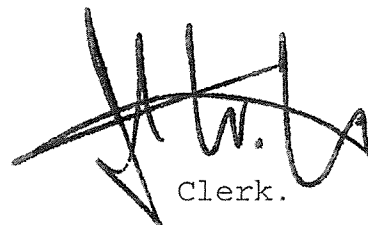
- - - - -  
[And a third-party action]  
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 27, 2008, and an appeal having been taken from the order of said court entered on or about June 3, 2008, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 4, 2008, and due deliberation having been had thereon,

It is ordered that the appeals and cross appeal 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 16, 2008.

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

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

-against-

M-3705  
Ind. No. 3856/07

Juan Anderson,  
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 2, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

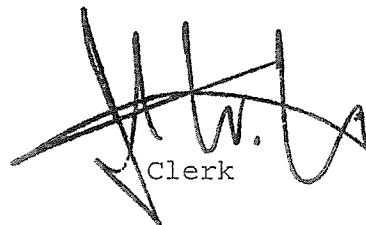
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

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

-against-

M-3707  
Ind. No. 4523/07

Derek Boulware,  
Defendant-Appellant.

-----X

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

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

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on September 16, 2008.

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

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

-against-

M-3708  
Ind. No. 5640/99

Joseph Carrasquillo,  
Defendant-Appellant.

-----X  
Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about July 23, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on September 16, 2008.

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

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

-against-

M-3709  
Ind. No. 515/08

Kelvin Dunbar,  
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 July 16, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,


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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 16, 2008.

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

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

-against-

M-3710  
Ind. No. 4782/02

David Fields, also known as  
David V. Fields,  
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 27, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

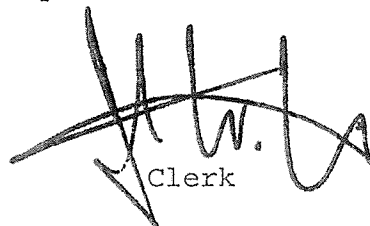
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

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 16, 2008.

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

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

-against-

M-3712  
Ind. No. 1605/01

Adrian Jackson,  
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 25, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

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

-against-

M-3713  
Ind. No. 525/05

Geral Jimenez,  
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 November 2, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

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

-against-

M-3715  
Ind. No. 978/07

Lee Melendez,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 8, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

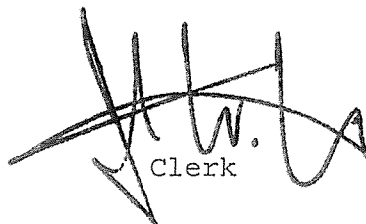
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

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

-against-

M-3718  
Ind. No. 2866/07

Jose Reyes,  
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 upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

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

-against-

M-3719  
Ind. No. 4239/06

Shaheed Robinson,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 14, 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 16, 2008.

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

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

-against-

M-3728  
Ind. No. 3966N/07

Jason Smith,  
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 19, 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 16, 2008.

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

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

-against-

M-3729  
Ind. No. 5708/07

Rashid Tariq,  
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 July 1, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

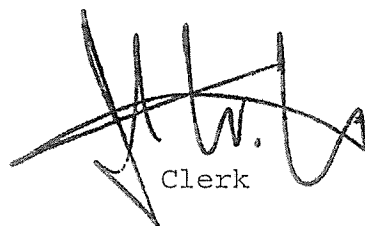
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 16, 2008.

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

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

-against-

M-3731  
Ind. No. 1174/03

Anthony Sherard,  
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 20, 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 16, 2008.

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

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

-against-

M-3734  
Ind. No. 6869/06

Beverly Frazier,  
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 26, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 16, 2008.

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

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

-against-

M-3735  
Ind. No. 41/06

Wiley Bennett,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 18, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

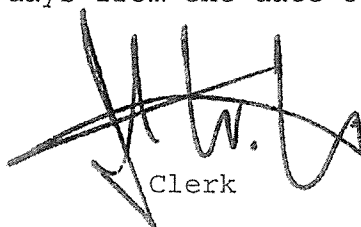
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

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

-against-

M-3727  
Ind. No. 43/08

Reggie Rogers,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about June 30, 2008, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,


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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

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

-against-

M-2445A (DC #35)  
M-2567A  
Ind. No. 6089/02

Alton Brown,  
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 5, 2006,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice (M-2445A [DC #35]),

And defendant-appellant by retained counsel having renewed his motion for limited poor person relief (M-2567A),

Now, upon reading and filing the papers with respect to the appellant's motion (M-2567A), and due deliberation having been had thereon, and upon the Court's own motion (M-2445A [DC #35]), it is

Ordered that the motion for limited poor person relief 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 expeditiously 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 Charles P. Brown, Esq., 163 West 71<sup>st</sup> Street, New York, New York 10023, 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. The order of this Court entered on June 26, 2008 (M-2445 [DC #35]/M-2567) is hereby recalled and vacated.

E N T E R:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

-----X  
In the Matter of a Family Offense  
Proceeding Under Article 8 of the  
Family Court Act,

Hawa D.,  
Petitioner-Respondent,

M-2671  
Docket No. 024330/06

-against-

Mohammad D.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about March 14, 2008, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Carol Lipton, Esq., 800 Greenwood Avenue, Brooklyn, New York 11218, Telephone No. 718-436-5359, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 60 days of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to

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

this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk

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 16, 2008.

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

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

Jada Serenity H.,

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

-----  
McMahon Services for Children, et al., M-2906  
Petitioners-Respondents, Docket No. B12100/06

Clifton Jackson H., also known as  
Clifton H.,  
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about February 25, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

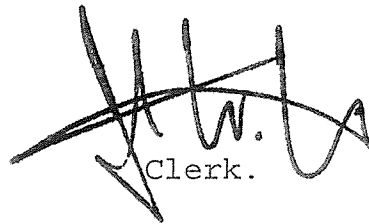
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Julian Hertz, Esq., 15 Sherwood Drive, Larchmont, NY 10538, Telephone No. 914-834-5461, as counsel, for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of



the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup>; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

E N T E R:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

-----X  
In the Matter of

Messiah N., and  
Ahbjah N.,

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

-----  
Catholic Guardian Society and  
Home Bureau, et al.,  
Petitioners-Respondents,

M-3016  
Docket Nos. B3497/07  
B3498/07

Shamone N.,  
Respondent-Appellant.

-----  
Peggy Tarvin, Esq., Lawyers for Children.  
Law Guardian for the Children.  
-----X


Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, New York County, both entered on or about April 23, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Dora Lassinger, Esq., 6 Howland Rd., East Rockaway, NY 11518, Tel. No. 516-877-8986, as counsel, for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New

York from funds available therefor<sup>1</sup>; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

E N T E R:



Clerk.

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

-----X  
In the Matter of a Proceeding for  
Custody and/or Visitation Under  
Article 6 of the Family Court Act,

Sheliah McE.,  
Petitioner-Appellant,

M-3030  
Docket No. V28708/05

-against-

Joseph P. G.,  
Respondent-Respondent.

- - - - -  
In the Matter of a Proceeding for  
Custody and/or Visitation Under  
Article 6 of the Family Court Act,

Joseph P. G.,  
Petitioner-Respondent,

Docket Nos. V20936-99/06C  
V20936-99/07D  
V20936-99/07E  
V20936-99/07F

-against-

Sheliah McE.,  
Respondent-Appellant.

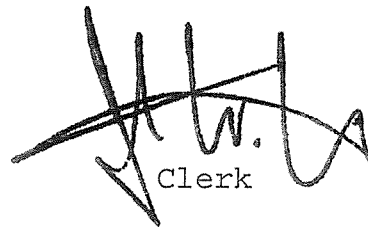
-----X  
Appellant-mother having moved for leave to prosecute, as a poor person, the appeal from the order and order of protection of the Family Court, Bronx County, both entered on or about August 29, 2007, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Kenneth Tuccillo, Esq., 14 Edgewood Avenue, Hastings on Hudson, New York, 10706, Telephone

No. 914-478-4362, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 60 days of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

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

- - - - -  
Administration for Children's Services on behalf of Vickie S., M-3104  
Assignor-Petitioner-Respondent, Docket No. F26144-00/05B&C

-against-

West S.,  
Respondent-Appellant.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 28, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Kenneth Tuccillo, Esq., 14 Edgewood Avenue, Hastings on Hudson, New York 10706, Telephone No. 914-478-4362, as counsel, for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup>; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging

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

the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

E N T E R:



Clerk.

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 16, 2008.

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

-----X  
In the Matter of

Jasmine Pauline M.,

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

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

M-3134  
Docket No.B5360/06

Encarnacion N. S.,  
Respondent-Appellant.

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

-----X  
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about March 14, 2008, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Anne Reiniger, Esq., 801 Second Avenue, 7<sup>th</sup> Floor, New York, New York 10017, Telephone No. 212-972-5430, as counsel for purposes of prosecuting the appeal;  
(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City



of New York from funds available therefor<sup>1</sup> within 60 days of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

-----X  
GENC Realty LLC,  
Petitioner-Respondent,

-against-

Selman Nezaj, M-3632  
Respondent-Appellant, Index No. 570608/04

"John Doe," etc., et al.,  
Respondents.  
-----X

Respondent-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 26, 2008 (Appeal No. 4027),

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 16, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
David Friedman  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X  
Bloomingdales, Inc.,  
Plaintiff-Appellant,

-against-

The New York City Transit Authority,  
Defendant-Respondent.

- - - - -

The New York City Transit Authority,  
Third-Party Plaintiff-Respondent,

-against-

M-Track Enterprises, Inc.,  
Third-Party Defendant-Respondent.

- - - - -

M-Track Enterprises, Inc.,  
Second Third-Party Plaintiff-  
Respondent,

-against-

Judlau Contracting, Inc.,  
Second Third-Party Defendant-  
Respondent,

Mass. Electric Construction Company,  
Second Third-Party Defendant.

- - - - -

Judlau Contracting, Inc.,  
Third Third-Party Plaintiff-  
Respondent,

-against-

Janus Industries, Inc.,  
Third Third-Party Defendant-  
Respondent.

-----X

M-2975  
M-3079  
M-3096  
Index Nos. 100214/03  
591264/03

Second third-party defendant/third third-party plaintiff-respondent Judlau Contracting, Inc. having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 15, 2008 [Appeal No. 2685] (M-2975),

And defendant/third-party plaintiff-respondent, New York City Transit Authority (M-3079) and third-party defendant/second third-party plaintiff-respondent M-Track Enterprises, Inc. (M-3096) having respectively cross-moved for the aforesaid relief,

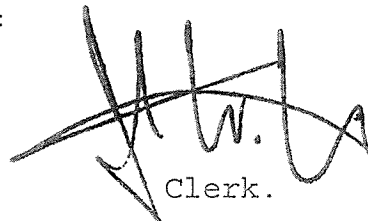
Now, upon reading and filing the papers with respect to the motion and cross motions, and due deliberation having been had thereon,

It is ordered that the motion and cross motions are granted, and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

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

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 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

Natalie Maria D.,

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

M-3321  
Docket No. B1364/05

-----  
The Children's Aid Society,  
et al.,  
Petitioners-Respondents,

Miguel D.,  
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about November 21, 2007, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, John Marafino, Esq., 1155 Warburton Avenue, Apt. 12-E, Yonkers, NY 10701, Telephone No.

212-267-6659, as counsel, for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup>; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 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  
Support under Article 4 of the  
Family Court Act.

Karla V.,  
Petitioner-Respondent,

-against-

M-3462  
Docket No. F19256/06

Angel L.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about March 18, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

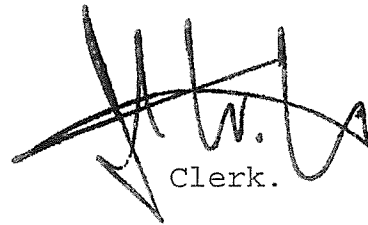
Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, John Marafino, Esq., 1155 Warburton Avenue, Apt. 12-E, Yonkers, New York 10701, Telephone No. 212-267-6659, as counsel, for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup>; (3) permitting appellant to dispense with any fee for

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

transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

E N T E R:

A handwritten signature in black ink, appearing to be "J.W. La", written over the word "Clerk." The signature is stylized and somewhat illegible.

Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 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

Jose M.,  
Christine M.,  
Cynthia M. and  
Yesenia M.,

M-3479

Dependent Children under 18 Years Docket Nos. B6997/07  
of Age Pursuant to §384-b B6998/07  
of the Social Services Law, B6699/07  
----- B7000/07  
Administration for Children's Services,  
et al.,  
Petitioners-Respondents,

Yesenia Del V.,  
Respondent-Appellant.

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

-----X

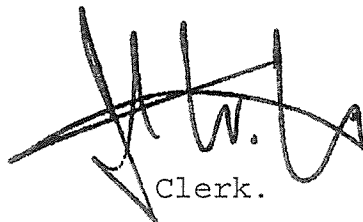
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 19, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Tel. No. 516-921-8800, as counsel, for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service

of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup>; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

E N T E R:



Clerk.

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 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

Kimberly M.,

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

-----  
Administration for Children's Services, M-3599  
Petitioner-Respondent, Docket No. N11760/04

Nancy L.,  
Respondent-Appellant.

-----  
Doris McCann, Esq.,  
Law Guardian for the Child.

-----X

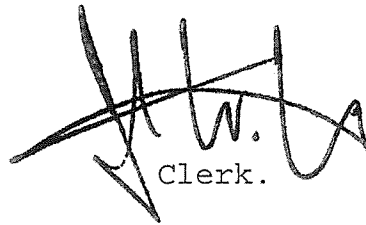
Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 8, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of  
(1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Louise Belulovich, Esq., 411 East 57<sup>th</sup> Street, Apt. 14C, New York, New York 10022, Telephone No. 212-421-6113, as counsel, for purposes of prosecuting the appeal;  
(2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City

of New York from funds available therefor<sup>1</sup>; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

E N T E R:



Clerk.

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 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,  
Respondent,

-against-

M-3447  
Ind. No. 3696/07

Matthew Chacko,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 29, 2007, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

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

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

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on September 16, 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,  
Respondent,

-against-

M-3548  
Ind. Nos. 5892/06  
3323/07

Kareem McCutheon,  
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 28, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,  
Richard T. Andrias  
Milton L. Williams  
Dianne T. Renwick, Justices.

-----X  
In the Matter of a Proceeding for  
Custody/Visitation Under Article 6  
of the Family Court Act.

-----  
Keenan R., M-2640  
Petitioner-Appellant, Docket No. V4118-9/03

-against-

Julie L. and Jerald L.,  
Respondents-Respondents.

-----X

Petitioner-appellant, Keenan R., having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about March 21, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Elisa Barnes, Esq., 350 Broadway, Suite 1100, New York, NY 10013, Telephone No. 212-693-2330, as counsel, for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of

New York from funds available therefor<sup>1</sup>; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:

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

Clerk.

---

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



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 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

Maria Colon,  
Petitioner,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-3269  
Index No. 100518/08

-against-

New York Office of Children,

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 May 14, 2008 (mot. seq. no. 001), to review a determination of respondent,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's 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 permitting the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and file 10 copies of such brief, together with the original record, with this Court. Petitioner is permitted to dispense with payment of the required fee for the subpoena and 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 16, 2008.

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

-----X  
Rachel Djeddah,  
Plaintiff-Appellant,

-against-

M-3600  
Index No. 100927/06

Richard Djeddah,  
Defendant-Respondent.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 7, 2007,

And an order of this Court having been entered on January 31, 2008 (M-197/M-198) inter alia enlarging appellant's time in which to perfect the aforesaid appeal to the September 2008 Term, and conditionally dismissing said appeal should appellant fail to so perfect,

And an ex parte order of this Court having been entered on July 22, 2008 (M-3573), dismissing the aforesaid appeal for failure to perfect,

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

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

It is ordered that the motion is denied as academic, the appeal having been dismissed by ex parte order of this Court dated July 22, 2008 (M-3573).

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 16, 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  
New York City Pedicab Owners'  
Association, Inc., et al.,

Petitioners-Respondents,

-against-

M-3886

Index No. 112671/07

New York City Department of Consumer  
Affairs, et al.,

Respondents-Appellants.  
-----x

Petitioners-respondents having moved for adjournment of the appeal from the order of the Supreme Court, New York County, entered on or about January 22, 2007, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence of Stanley J. Silverstone, Esq., of Seham, Seham Meltz & Petersen, LLP, counsel for petitioners-respondents dated August 13, 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 16, 2008.

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

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

SEALED

-against-

M-4050

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

Index No. 102512/07

David Schrader,  
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 15, 2008 (mot. seq. no. 003),

And defendants-appellants having moved for an order sealing all documents in connection with this appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 19, 2008, and due deliberation having been had thereon, it is

Ordered that the motion is granted and the Clerk is directed to file all documents in connection to this appeal under "seal".

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 16, 2008.

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

-----X  
Robert Olden,

Plaintiff,

-against-

M-3848  
Index No. 110221/08

Diamond 530 Park Avenue Owner, LLC,

Defendant.  
-----X

Plaintiff having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about July 30, 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 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 16, 2008.

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

-----X  
Alexander Kudinov, et al.,

Plaintiffs-Respondents,

-against-

M-3761  
Index No. 114646/05

Kel-Tech Construction, Inc., et al.,

Defendants-Appellants,

Fourth Avenue Enterprises Piping Corp., et al.,

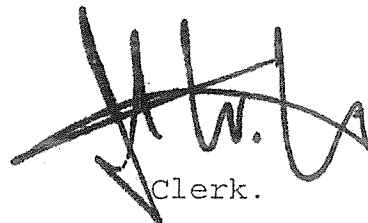
Defendants.  
-----X

Defendants-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 September 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, to which Term appeal is adjourned.

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 16, 2008.

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

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

-against-

M-3653  
Ind. No. 11990/91

John Jackson,

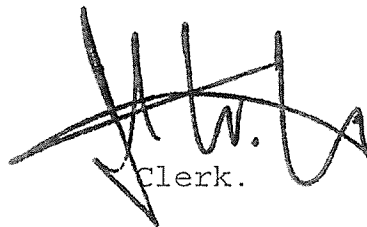
Defendant-Appellant.  
-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about January 18, 2006, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief, and for other relief,

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

It is ordered that the motion is granted to the extent of deeming the moving papers annexed to the notice of motion as a timely filed pro se supplemental brief on appeal for the December 2008 Term, to which Term the appeal is adjourned, and 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 16, 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,

Respondent,

-against-

M-3650  
Ind. No. 3443/06

Michael Gonzalez,


Defendant-Appellant.  
-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 16, 2007, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant received on August 12, 2008, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

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 16, 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,  
Respondent,

-against-

M-3903  
Ind. No. 2736/06

Ceasar Hassell, also known as  
Ceasar Hassel,  
Defendant-Appellant.

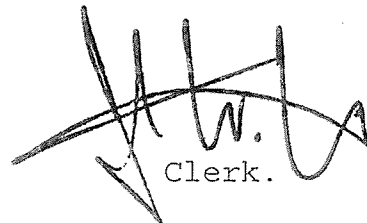
-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about December 21, 2006, 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 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 16, 2008.

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

-----X  
CS Plumbing Inc. and Frank S. Sabia,  
Plaintiffs-Respondents,

-against-

M-3465  
Ind. No. 17361/06

Action Nissan Inc., et al.,  
Defendants,

Pinnacle Nissan, LLC, doing  
business as White Plains Nissan, etc.,  
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, Bronx County, entered on or about September 13, 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 16, 2008.

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

-----x  
Estate of William H. Bailey, Jr.,  
etc.,

Plaintiff-Appellant,

-against-

M-3949

Index No. 100745/07

Sheryl Migdol, et al.,


Defendants-Respondents.  
-----x

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 3, 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 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 16, 2008.

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

-----X  
Juan Renjifo, et al.,  
Plaintiffs-Respondents,

-against-

M-3996  
Index No. 14268/05

Bay Shore Estadio Restaurant, Inc.,  
Defendant-Appellant,

Kermit Kurbanli, et al.,  
Defendants.

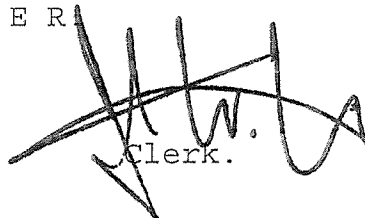
-----X

Defendant-appellant 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 May 21, 2008,

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

It is ordered that the motion is granted.

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 16, 2008.

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

-----x

Bri-den Construction Co., Inc.,

Plaintiff-Appellant,

-against-

M-4123

Index No. 601513/06

Kapell & Kostow Architects PC, et al.,

Defendants-Respondents.

-----x


An appeal having been taken to this Court from an order of the Supreme Court, New York County, entered on or about September 12, 2007 (mot. seq. no. 001),

And defendants-respondents having moved for leave to append their brief with copies of unpublished case decisions,

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 respondent to immediately file 10 copies of said case decisions as an exhibit.

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 16, 2008.

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

-----x  
Amy Fabrikant,  
Plaintiff-Respondent,

-against-

Index No. 108183/07

Martin Fabrikant,  
Defendant-Appellant.

- - - - -

M-3849

Amy Fabrikant,  
Plaintiff-Respondent,

-against-

Index No. 350394/04

Jay Fabrikant,  
Defendant-Appellant.

-----x

Appeals having been taken to this Court from the judgment of the Supreme Court, New York County, entered on or about March 5, 2008 (Index No. 108183/07), and from the order and judgment of said Court entered on or about May 29, 2007 and December 12, 2007, respectively (Index No. 250394/04),

And defendant-appellant Martin Fabrikant (Index No. 108183/07) having moved for consolidation of the aforesaid appeals and for an extension of the conditional stay of execution granted by order of Supreme Court entered on or about July 23, 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 16, 2008.

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

-----X  
Rachel L. Arfa, et al.,  
Plaintiffs-Respondents,

-against-

M-3868  
Index No. 603602/05

Gadi Zamir, et al.,  
Defendants.

-----  
546-552 West 146<sup>th</sup> Street LLC, et al.,  
Intervenors-Defendants/Counterclaim  
Plaintiffs/Cross-Claim Plaintiffs-  
Appellants,

-and-

2000 Davidson Ave. LLC,  
Intervenors-Defendants/Counterclaim  
Plaintiffs/Cross-Claim Plaintiffs,

-against-

Rachel L. Arfa, et al.,  
Counterclaim-Defendants-Respondents,

-and-

Gadi Zamir, et al.,  
Cross-Claim-Defendants-Respondents.

-----  
Mintz, Levin, Cohn, Ferris, Glovsky  
& Popeo, P.C.,  
Intervenor-Plaintiff-Respondent,

-against-

546-552 West 146<sup>th</sup> Street LLC, et al.,  
Intervenors-Defendants.

-----X

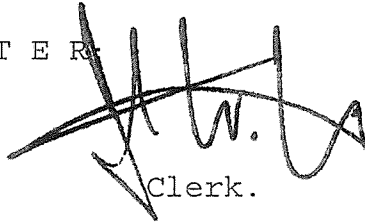
Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about April 30, 2008 and August 1, 2008 (mot. seq. no. 045), respectively,

And intervenors-defendants/counterclaim plaintiffs/cross-claim plaintiffs-appellants 546-552 West 146<sup>th</sup> Street LLC et al. having moved in the nature of a preliminary appellate injunction with respect to certain escrow funds, pending hearing and determination 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 denied and the interim relief granted by an order of a Justice of this Court, dated August 8, 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 16, 2008.

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

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

Index No. 604180/06

-against-

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

M-3642  
M-3837  
M-3896

-against-

Index No. 590030/07

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

-----X

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

And defendant/third-party plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order entered on or about October 18, 2007 (M-3642),

And plaintiff-respondent Nicoletti Gonson Spinner & Owen LLP (M-3837) and third-party defendants-respondents Colonial Cooperative Insurance Company, et al. (M-3896) having respectively cross-moved for dismissal of the aforesaid appeals,

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

It is ordered that the motion (M-3642) is granted and defendant/third-party plaintiff-appellant is directed to perfect both appeals for the January 2009 Term, without prejudice to seeking consolidation of its prospective appeal from the order entered on or about July 31, 2008 should said prospective appeal from the later order be perfected with the consolidated appeal from the prior order and judgment. It is ordered that the cross motions (M-3837/M-3896) to dismiss the appeals are denied, without prejudice addressing the issue in the respondents' brief.

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 16, 2008.

Present: Hon. David Friedman, Justice Presiding,  
Milton L. Williams  
John T. Buckley  
James M. McGuire, Justices.

-----X  
In the Matter of

Shaniya Eve B.  
and Shaquan Johnathan R.,

Dependent Children Under 18 Years  
of Age Pursuant to Section 384-b  
of the Social Services Law.

M-3206  
Docket Nos. B6130-1/03

- - - - -  
Harlem Dowling-Westside Center  
for Children and Family Services,  
Petitioner-Respondent,

Vanessa B.,  
Respondent-Appellant.

- - - - -  
Philip Schiff, Esq.,  
Law Guardian for the Children.

-----X

Petitioner-respondent having moved for dismissal of the appeal taken from the orders of the Family Court, New York County, both entered on or about October 11, 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 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 16, 2008.

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

-----x  
Kathleen Azzaro,

Plaintiff-Appellant,

-against-

M-4110  
Index No. 115949/05

Super 8 Motels, Inc., et al.,

Defendants-Respondents.

-----x

Plaintiff-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 November 13, 2007 (mot. seq. no. 003),

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

It is ordered that the motion is granted 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 16, 2008.

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

-----X  
R&R Capital LLC, et al.,

Plaintiffs-Appellants,

-against-

M-4140  
Index No. 604080/05

Linda Merritt, also known as Lyn  
Merritt,

Defendant-Respondent.  
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about August 12, 2008,

And plaintiffs-appellants having moved for a stay of disbursement of certain proceeds held in escrow pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

-----X

Michael Driscoll,  
Plaintiff-Appellant,

-against-

M-3801  
Index No. 105310/08

Neyda Delarosa,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about May 14, 2008, for an enlargement of the record on appeal, and for related relief,

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

It is ordered that said motion is granted only to the extent of enlarging the record on appeal to include plaintiff-appellant's Statement of Net Worth, and the motion is otherwise denied. Appellant is directed to immediately supplement the record on file, including a copy of this order, and to correct the table of contents thereof.

ENTER:

  
Clerk.

STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

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

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

M-1277  
Ind. Nos. 4356/03  
1209/03  
918/03

-against-

CERTIFICATE  
DENYING LEAVE

Alexander Screehben,  
Defendant.

-----X

I, John T. Buckley, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Section 460.15 of the Criminal Procedure Law, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, rendered January 8, 2008, is hereby denied.

Dated: New York, New York  
September 4, 2008

Entered: September 16, 2008

  
Justice of the Appellate Division

STATE OF NEW YORK  
APPELLATE DIVISION: FIRST DEPARTMENT

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

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

M-1783  
Ind. Nos. 4348/86  
6823/86

-against-

CERTIFICATE  
DENYING LEAVE

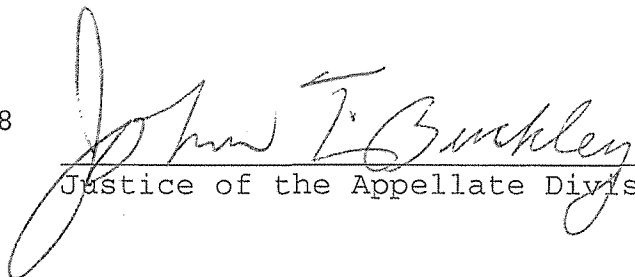
George Estrada, a/k/a George Ortiz,  
Defendant.

-----X

I, John T. Buckley, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Section 460.15 of the Criminal Procedure Law, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the orders of the Supreme Court, New York County, rendered August 2, 2007 and February 4, 2008, is hereby denied.

Dated: New York, New York  
September 4, 2008

Entered: September 16, 2008

  
Justice of the Appellate Division



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

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

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

M - 3575  
Ind. No. 8331/89

-against-


CERTIFICATE  
DENYING LEAVE

Dewright Johnson Jr.,

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about June 25, 2008 is hereby denied.

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

Dated: August 29, 2008  
New York, New York

ENTERED: September 16, 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-3960  
Ind. No. 3806/99

-against-

CERTIFICATE  
DENYING LEAVE

Dublin Salas, 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 1, 2006, is hereby denied.

Dated: New York, New York

September 3, 2008

Entered:

September 16, 2008



---

Hon. Leland G. DeGrasse  
Justice of the Appellate Division

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-3998  
Ind. No. 3296/02

-against-

CERTIFICATE  
DENYING LEAVE

Wilhelmina Nicomedez, 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 November 13, 2007, is hereby denied.

Dated: New York, New York

SEP 16 - 11 09 31, 2008

Entered:

September 16, 2008



---

Hon. Leland G. DeGrasse  
Justice of the Appellate Division

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

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

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

M-3452  
Ind. No. 3731/05

-against-

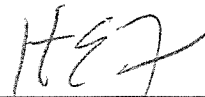
CERTIFICATE  
DENYING LEAVE

GREGORY SETH,

Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 22, 2008 is hereby denied.



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

Dated: September 5, 2008  
New York, New York

ENTERED: September 16, 2008

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

-----X  
Aphrodite Pimentel,  
Plaintiff-Respondent,

-against-

M-4392  
Index No. 21366/04

Marx Realty & Improvement Co., Inc.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an order staying all proceedings including 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 December 10, 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 16, 2008.

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

-----X  
Vitra, Inc.,  
Plaintiff-Respondent,

-against-

M-4399  
Index No. 118259/03

Soho House, Inc., et al.,  
Defendants-Appellants,

29-35 Equities LLC, et al.,  
Defendants.

-----X  
Soho House, Inc., et al.,  
Third-Party Plaintiffs-Appellants,

-against-

Harman Jablin Architects. LLP.,  
et al.,  
Third-Party Defendants,

George Kajdacs, etc., et al.,  
Third-Party Defendants-Respondents.  
-----X

An appeal having been taken from the order of a Justice of the Supreme Court, New York County, entered on or about September 9, 2008,

And defendants/third-party plaintiffs-appellants having moved, pursuant to CPLR 5704(a), for an order granting certain relief denied by the aforesaid Justice of the Supreme Court, including a stay of jury selection and trial, and for related relief,

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

Ordered that the motion is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 16, 2008.

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

-----X

Susan Wiener,  
Plaintiff-Respondent-Appellant,

M-4178  
Index No. 350396/04

-against-

Jack Wiener,  
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about July 12, 2007, and said appeal having been perfected for the October 2008 Term,

And defendant-appellant-respondent, Jack Wiener, having moved to amend the caption herein,

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 16, 2008.

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

-----X  
Andrew J. Spinnell, Esq.,  
Petitioner-Respondent,

-against-

M-3933  
Index No. 101921/07

JP Morgan Chase Bank, N.A.,  
Respondent,

Philip Seldon,  
Respondent-Appellant.

-----X

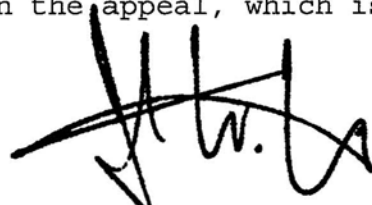
An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 5, 2008 (mot. seq. no. 005) and perfected for the October 2008 Term,

And petitioner-respondent having moved for dismissal of so much of the notice of appeal which purports to appeal from the judgment portion of the aforesaid order and judgment (one paper) 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 denied, without prejudice to petitioner-respondent addressing the issue on the appeal, which is sua sponte adjourned 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 16, 2008.

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

-----X  
Aphrodite Pimentel,  
Plaintiff-Respondent,

-against-

M-4392  
Index No. 21366/04

Marx Realty & Improvement Co., Inc.,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an order staying all proceedings including 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 December 10, 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 16, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
Karla Moskowitz  
Dianne T. Renwick, Justices.

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

The Jewish Association for Services  
for the Aged,  
Petitioner-Respondent,

M-3844  
Index No. 402583/07

For the Appointment of a Guardian  
of the Person and Property of  
David K., an Alleged Incapacitated  
Person (AIP),  
Respondent-Appellant.

-----X

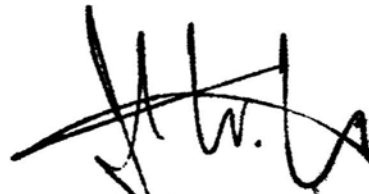
Appeals having been taken from orders of the Supreme Court, New York County, entered on or about November 30, 2007 and April 10, 2008, respectively,

And petitioner-respondent having moved for dismissal of the appeal taken from the order entered on or about November 30, 2007,

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

It is ordered that the motion is granted and the appeal taken from the order of the Supreme Court, New York County, entered on or about November 30, 2007 is dismissed as moot, without prejudice to respondent-appellant raising arguments presented in the pre-argument statement filed with the appeal taken from the order entered on April 10, 2008.

ENTER:



Clerk.

184

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 16, 2008.

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

-----X  
Carolyn Thomas French,

Plaintiff-Appellant-Respondent,

-against-

**M-4045**

Index No. 100207/98

Alfred L. Schiavo, et al.,

Defendants-Respondents-Appellants.

-----X

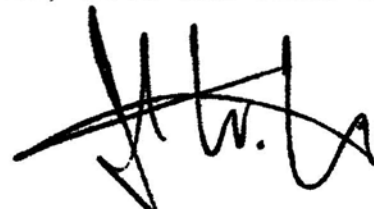
An appeal and cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about December 28, 2007, and said appeals having been perfected for the October 2008 Term of this Court,

And defendants-respondents-appellants having moved for an adjournment of 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 motion is granted and the appeal and cross appeal are adjourned to the December 2008 Term, and defendants-respondents-appellants are directed to serve and file the respondents' brief or before October 17, 2008 for said 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 16, 2008.

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

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

-against-

M-3483A  
Ind. No. 1873/06

Hilbert Stanley,  
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 July 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, Tel. 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. The order of this Court entered on August 26, 2008 (M-3483), is hereby recalled and vacated.

E N T E R:



Clerk.

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

BEFORE: Hon. James M. McGuire,  
Justice of the Appellate Division

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

M- 3780  
Ind. No. 2179/99

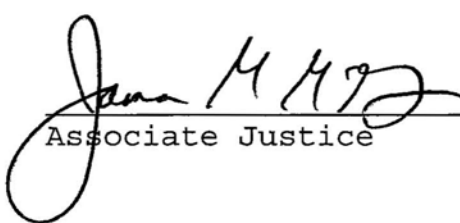
-against-  
  
VINCENT WARREN

CERTIFICATE  
DENYING LEAVE

Defendant.

-----X

I, James M. McGuire, 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, entered on or about July 21, 2008 is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: September 5, 2008  
New York, New York

ENTERED: September 16, 2008