

At a 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 18, 2008.

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

-----X  
Washington Mutual Mortgage Securities Corp.,  
Plaintiff-Respondent,

-against-

M-4024X  
Index No. 110621/07

Vincent Jackson, also known as  
Vincent R. Jackson, Sole Heir at  
Law and Administrator of the  
Estate of Faye Echols, decedent,  
Defendant-Appellant,

Criminal Court of the City of  
New York, et al.,  
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 22, 2008 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 19, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2008.

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

-----X  
107 West Apartment Corp., et al.,  
Plaintiffs-Respondents,

-against-

K&J Restoration, Inc.,

Defendant-Appellant.  
-----X

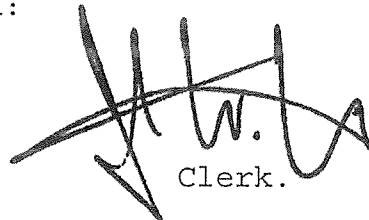
M-4025X  
Index No. 109637/05

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 13, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 19, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2008.

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

-----X  
Juan Campos,  
Plaintiff-Respondent,

-against-

M-4026X  
Index No. 112453/05

Cross Westchester Realty Associates  
LP, et al.,  
Defendants,

Hayden Building Maintenance Corp.,  
-Defendant-Appellant.

-----  
Cross Westchester Realty Associates  
LP, et al.,  
Third-Party Plaintiffs-Respondents,

Third-Party  
Index No. 590654/06

-against-

Hayden Building Maintenance Corp.,  
Third-Party Defendant-Appellant,

J. Guiliano & Sons,  
Third-Party Defendant.

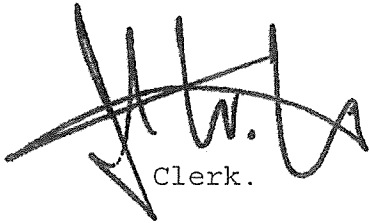
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 9, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 19, 2008, and due deliberation having been had thereon,

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2008.

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

-----X  
Adrienne Zaragoza,  
Plaintiff-Respondent,

-against-

M-4069  
Index No. 13720/04

The Gap, Inc., et al.,  
Defendants-Respondents.

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

Index No. 84860/05

-----X  
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 26, 2007,

Now, upon reading and filing the stipulation of the parties hereto, filed August 13, 2008, and due deliberation having been had thereon, it is

Ordered that the appeal, previously perfected for the October 2008 Term, is withdrawn in accordance with the aforesaid stipulation.

E N T E R



clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2008.

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

-----X

Commercial Tenant Services, Inc.,

Plaintiff-Respondent-Appellant,

-against-

M-4074

Index No. 650201/06

Securities Industry Automation  
Corporation,

Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 25, 2008 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, filed August 11, 2008, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
Milton L. Williams  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

Adi Keizman, et al.,  
Plaintiffs-Respondents,

-against-

M-3334  
Index No. 103461/02

Issac Hershko, et al.,  
Defendants-Appellants,

Yaron Hershko, et al.,  
Defendants.

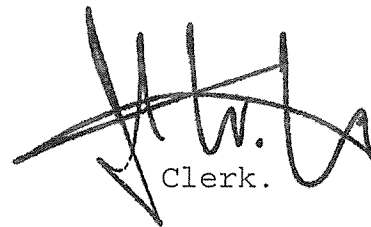
-----X

Defendants-appellants having moved for reargument of the decision and order of this Court entered on June 3, 2008 (Appeal No. 3775),

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

It is ordered that the motion is denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzarelli  
Milton L. Williams  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X  
Impdex International Corp.,  
Plaintiff-Appellant,

M-2939

M-3314

-against-

Index No. 108953/05

HSBC Bank USA, N.A.,  
Defendant-Respondent.

-----X

Defendant-respondent having moved for reargument of or, in the alternative, for modification of the decision and order of this Court entered on June 3, 2008 (Appeal No. 3788) (M-2939),

And plaintiff-appellant having cross-moved for modification of or, in the alternative, for leave to appeal to the Court of Appeals from the aforesaid decision and order of this Court (M-3314),

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

It is ordered that the motion and cross motion are denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2008.

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

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

Courtney K.,  
Petitioner-Respondent,

M-3932  
Docket No. F14620/05

-against-

Edoardo A.,  
Respondent-Appellant.

-----X  
An appeal having been taken to this Court from an order of the Family Court, New York County, entered on or about February 25, 2008,

And respondent-appellant having moved for adjournment of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Robert G. Smith, Esq., attorney for respondent-appellant, dated August 20, 2008, and due deliberation having been had thereon,

It is ordered that the motion to adjourn the appeal 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 18, 2008.

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

-----X  
Claire Pickens,  
Plaintiff-Respondent,

-against-

M-3658  
Index No. 350604/02

Franklyn Castro,  
Defendant-Appellant.  
-----X

Appeals having been heard in this Court on January 15, 2008 (Appeal Nos. 2669-2670) from the orders of the Supreme Court, New York County, entered on or about November 29, 2006 and March 7, 2007 (mot. seq. no. 004), respectively,

And defendant-appellant having moved for a stay of all proceedings pending determination of the aforesaid appeals,

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated July 31, 2008, from Lawrence H. Bloom, Esq., attorney for defendant-appellant, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence, and the interim relief granted by the order of a Justice of this Court, dated July 28, 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 in the County of New York on September 18, 2008.

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

-----X  
Park South Towers Associates,  
Petitioner,

M-3453

-against-

Index LT No. 59656/08

Jennifer Cangro,  
Respondent.

-----X

Respondent having taken a purported appeal from the order of the Civil Court, Housing Part, New York County, entered on or about July 7, 2008,

And respondent having moved for a stay of a warrant of eviction, and other relief, 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 and sua sponte the appeal is dismissed for lack of jurisdiction. (See Rules of the Appellate Term - First Department 22 NYCRR 640.1)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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

Zoraida Marie C., also known as Zoraida C.,

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

-----  
The New York Foundling Hospital, et al.,  
Petitioners-Respondents,

M-3093  
Docket No. B-11669/07

Sylvia C.,  
Respondent-Appellant.

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

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about January 11, 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, Anne Reiniger, Esq., 801 Second Avenue, 7<sup>th</sup> Floor, New York, NY 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 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>;

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

(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. La", written over a horizontal line. 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 18, 2008.

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

-----X

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

Elijah M. R., also known as Elijah J.,

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

M-3231

Docket No. B-21026/04

-----  
Leake & Watts Services, Inc.,  
Petitioner-Respondent,

Antoinette J.,  
Respondent-Appellant,

-----  
Judith Waksberg, Esq., Juvenile  
Rights Division, Legal Aid Society,  
Law Guardian for the Child.  
-----X

Respondent mother 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 25, 2008, 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, Telephone 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> 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

---

<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 18, 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

Dimetreus A.,

A Person Alleged to Be a Juvenile  
Delinquent,

M-3263  
Docket No. D0001/08

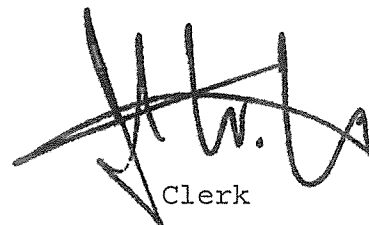
Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, New York County, entered on or about April 3, 2008, as a poor person, 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 Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. 914-949-8214, 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 State 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 the 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 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 18, 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 Support Proceeding  
Under Article 4 of the Family Court  
Act.

-----  
Bruce L., M-3270  
Petitioner-Respondent, Docket No. F14485/06

-against-

Patricia C.,  
Respondent-Appellant.

-----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 7, 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, Telephone 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. The stay granted by order of a Justice of this Court, dated June 19, 2008, is continued.

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 18, 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

Jaynices D.,  
Myra D. and  
Shakira D.,

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

- - - - -  
McMahon Services for Children,  
etc., et al.,  
Petitioners-Respondents,

M-3469  
M-4015  
Docket Nos. B7001/07  
B7002/07  
B7003/07

Yesenia D.,  
Respondent-Appellant.  
- - - - -  
Steven Banks, Esq.,  
Law Guardian for the Children.

-----X

Respondent-appellant mother having separately moved for leave to prosecute, as a poor person, the appeals from the orders of the Family Court, New York County, entered on or about May 23, 2008 (Docket Nos. B7002/07 and B7003/07) and July 29, 2008 (Docket No. B7001/07), 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, Telephone 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.

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 18, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Richard T. Andrias  
Milton L. Williams, Justices.

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

Respondent,

-against-

M-3647  
Ind. Nos. 4216/07  
1468/07

Lavon Giles,

Defendant-Appellant.  
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 3, 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 M. 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 18, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Milton W. Williams, Justices.

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

-against-

M-3656  
Ind. No. 2976/07

Kevin Williams,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about February 4, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

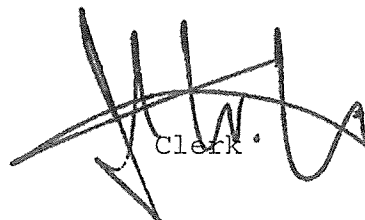
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 18, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzaelli  
Eugene Nardelli  
Milton L. Williams, Justices.

-----X  
In the Matter of the Application of  
Frederick Franklin,  
Petitioner,

-against-

M-3455

For a Judgment Pursuant to Article 78  
of the CPLR.

Index No. 400592/05

Commissioner, New York City Department  
of Corrections,  
Respondent.

-----X

An order of this Court having been entered on October 3, 2006 (M-4288), denying petitioner's motion for poor person relief and dismissing the appeal taken from the judgment entered on or about May 24, 2005,

And petitioner having once again moved for leave to prosecute, as a poor person, 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. (See M-4288 entered October 3, 2006, a copy of which is annexed hereto.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 3, 2006.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Joseph P. Sullivan  
Eugene Nardelli  
Milton L. Williams, Justices.

-----X  
In the Matter of the Application of  
Frederick Franklin,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-4288  
Index No. 400592/05

-against-

Commissioner, New York City Department  
of Corrections,  
Respondent.

-----X  
Petitioner having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about May 24, 2005, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied and, sua sponte, the appeal is dismissed, as no appeal lies from an order denying reargument (CPLR 5701[a][2][viii]).

ENTER:

*Catherine O'Hagan Wolfe*

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 18, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,  
John T. Buckley  
John W. Sweeny, Jr.  
Karla Moskowitz, Justices.

-----X  
Alan M. Goldston, as Assignee of  
Goldston & Schwab, LLP,  
Plaintiff-Appellant,

-against-

M-3478  
Index No. 112098/04

Bandwidth Technology Corp., and  
Bandwidth Holdings Corp.,  
Defendants-Respondents.


-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 19, 2008 (Appeal No. 3015),

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 18, 2008.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
David Friedman  
John T. Buckley, Justices.

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

-against-

M-6434  
Ind. No. 6633/01

Anthony Jackson,  
Defendant.

-----X

A purported appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 18, 2007, denying relief sought pursuant to CPL 440,

And defendant having moved for leave to inspect certain police reports in connection with the aforesaid purported 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 and the purported appeal is dismissed. (See M-6336 entered on September 9, 2008, a copy of which is annexed hereto.)

ENTER:

  
Clerk.

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

BEFORE: Hon. DAVID FRIEDMAN  
Justice of the Appellate Division

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

M-6336  
Ind. No. 6633/01

-against-

CERTIFICATE  
DENYING LEAVE

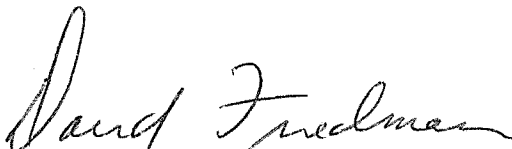
Anthony Jackson,  
Defendant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division,  
First Judicial Department, do hereby certify that, upon  
application timely made by the above-named defendant for a  
certificate pursuant to Criminal Procedure Law, section 460.15,  
and upon the record and proceedings herein, there is no question  
of law or fact presented which ought to be reviewed by the  
Appellate Division, First Judicial Department, and permission to  
appeal from the Order of the Supreme Court, New York County,  
entered on or about October 18, 2007, is hereby denied.

Dated: New York, New York  
August 7, 2008

ENTERED: September 9, 2008

  
\_\_\_\_\_  
DAVID FRIEDMAN  
Justice of the Appellate Division

At a 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 18, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David Friedman  
Milton L. Williams  
Karla Moskowitz, Justices.

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

Ana Luisa B.,  
Petitioner-Respondent,  
-against-

M-3805  
Docket No. F-3261-02/04A, B&C

Paul H. A.,  
Respondent-Appellant.

-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Family Court, New York County, entered on or about July 18, 2007,

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal on or before November 10, 2008 for the January 2009 Term, with no further enlargements to be 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 18, 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-4027

Ind. No. 6229/06

Mark Castro,

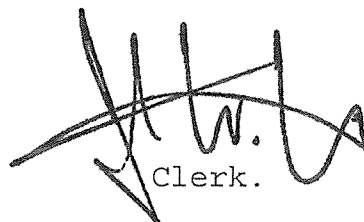
Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 21, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated August 18, 2008, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2008.

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

-----X  
In the Matter of

Ladon S.,

M-3698

Docket No. D11498-06/07A

A Person Alleged to be a Juvenile Delinquent,

Respondent-Appellant.

-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about August 27, 2007,

And respondent-appellant having moved to withdraw 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 appeal is deemed withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2008.

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

-----X

Raphael Pichardo,

Plaintiff-Appellant,

-against-

M-3631

Index No. 13908/05

New York City Health and Hospitals Corp., et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 9, 2007,

And defendants-respondents having moved to dismiss the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 12, 2008, and due deliberation having been had thereon,

It is ordered that the motion and appeal are 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 18, 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

Irene C.,

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

-----  
Catholic Guardian Society and Home Bureau,  
Petitioner-Respondent,

M-3633  
Docket No. B-5365/06

Reina M.,  
Respondent-Appellant.

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

-----X

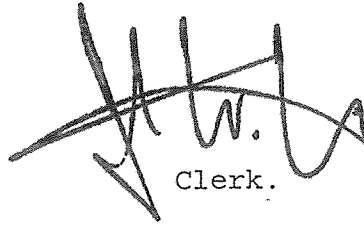
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about March 31, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, Telephone No. (914)949-8214, 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 18, 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-3716  
Ind. No. 379/07

Daniel Omolukun,  
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 25, 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 18, 2008.

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

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

-against- M-3437  
Ind. No. 3346/06

Rodriguece Garcia,  
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 24, 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 18, 2008.

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

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

-against-

M-3655  
Ind. No. 3727/03

Leroy Williams,  
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, Bronx County, rendered on or about May 28, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

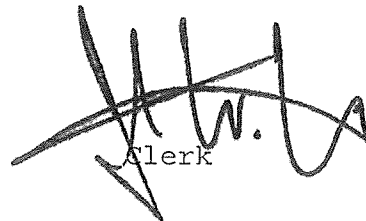
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 18, 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-3686  
Ind. No. 5926/07

Edward Wright,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about May 15, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

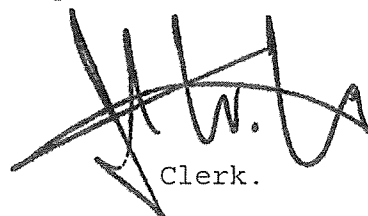
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 18, 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-3706

Ind. No. 1777/07

Keith Atkins,

Defendant-Appellant.

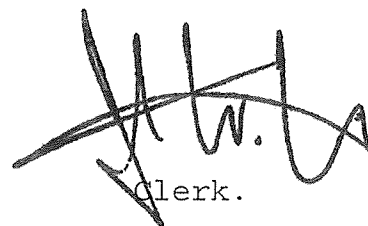
-----X

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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Barry Turner, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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-3714  
Ind. No. 5116/07

Jackson Jordan,

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

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, George Vomvolakis, Esq., the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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-3730

Ind. No. 2711/07

Jaquan White,

Defendant-Appellant.

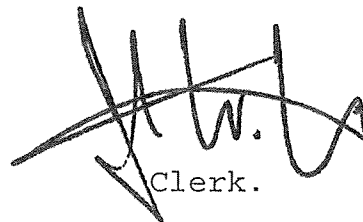
-----X

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 14, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon petitioner-appellant's submission of a detailed notarized affidavit, setting forth his indigency in compliance with CPLR 1101(a), and including a statement detailing the amount and sources of his income and listing his property with its value.

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 18, 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-3733

Ind. No. 562/05

Rickey Bryant,

Defendant-Appellant.

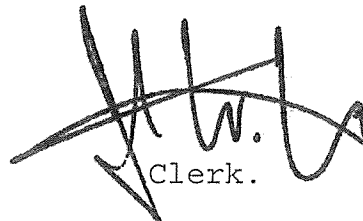
-----X

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 November 26, 2007, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources to pay the fee of trial counsel, Paul Brenner, Esq., and to post the \$7,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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-3651  
Ind. No. 2283/05

Richard Veneziano,

Respondent-Appellant.  
-----X

An order of this Court having been entered on March 18, 2008 (M-735) granting defendant 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 December 14, 2006, and assigning Richard M. Greenberg, Esq., Office of the Appellate Defender, as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is denied.

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 18, 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

Community Related Services, Inc.,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-3677  
Index No. 102971/07

Antonia C. Novello, Commissioner,  
New York State Department of Health,  
and New York State Department of  
Health,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about October 2, 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 appellant's 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 18, 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  
Cynthia Lowney,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-3741  
Index No. 108754/07

New York State Division of Human  
Rights, et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 10, 2007 (mot. seq. nos. 001, 002 and 003),

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the January 2009 Term.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2008.

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

-----X  
Lee & Lee, LLC, et al.,  
Plaintiffs-Appellants,

-against-

M-3858  
Index No. 602994/04

Beautri Realty Corp., also known as  
Beautrice Realty Corp., et al.,  
Defendants-Respondents,

-and-

Chung Sang Yae, also known as  
Sang Yae Chung or Sang Yae Chung,  
Intervenor-Defendant-Respondent.

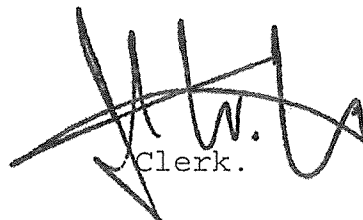
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 29, 2007 (mot. seq. no. 004),

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

Ordered that the motion is granted to the extent of enlarging appellants' time in which to perfect the appeal to the January 2009 Term.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 2008.

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

-----X  
Meridian Capital Partners, Inc.,  
Plaintiff-Appellant,

-against-

M-3254  
Index No. 600660/07

Fifth Avenue 58/59 Acquisition  
Co. L.P., 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 September 27, 2007,

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the January 2009 Term.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 18, 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

Rudranau Toolasprashad,

Petitioner-Respondent,

M-3514

For a Judgment, etc.,

Index No. 109964/06

-against-

Raymond W. Kelly, etc., et al.,

Respondents-Appellants.

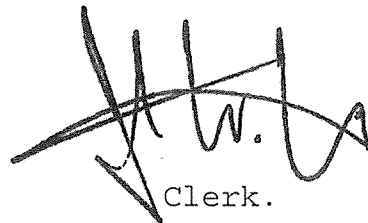
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Respondents-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 13, 2007 (mot. seq. no. 001),

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, without prejudice to seek a further enlargement if necessary.

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 18, 2008.

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

-----X  
Kathryn Jordan,  
Plaintiff-Appellant,

-against-

M-3975  
Index No. 600245/07

Salvatore Gangemi, 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 August 7, 2007 (mot. seq. no. 004),

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to on or before November 10, 2008 for the January 2009 Term, with no further enlargements to be 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 18, 2008.

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

-----X  
Franco Zecca,  
Plaintiff-Appellant,

-against-

M-3523  
M-3770  
Index No. 528-TSN-2000

The City of New York, The New York City Transit Authority and the Port of Authority of New York and New Jersey, Fischbach & Moore, Inc., T. Moriarity & Son, Inc., Cornelius Fitzgerald and Co., Inc. and Port Authority Trans-Hudson Corp.,  
Defendants-Respondents.

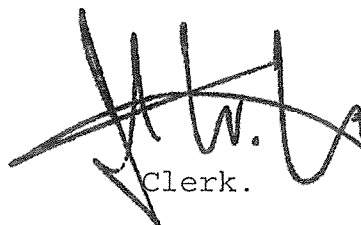
-----X

Defendants-respondents (except Fishbach & Moore, Inc.) having moved (M-3523) and defendant-respondent Fischbach & Moore, Inc., having cross moved (M-3770) for dismissal of the appeal taken from an order of the Civil Court, New York County, entered on or about September 6, 2007,

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

It is ordered that the motion (M-3523) and cross motion (M-3770) are sua sponte transferred to the Appellate Term, First Department for disposition.

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 18, 2008.

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

-----X  
Arnold J. Mars,  
Plaintiff-Appellant,

-against-

M-3891  
Index No. 116675/03

Robert Z. Dobrish, Esq., et al.,  
Defendants-Respondents.

-----X

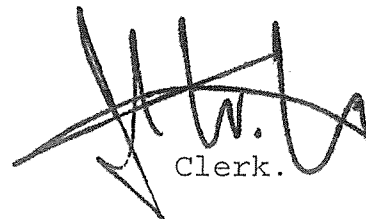
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 15, 2007,

And defendants-respondents having moved for an order compelling plaintiff-appellant to expand the record in compliance with CPLR 5526 or, in the alternative, for permission to appellant to expand the record at appellant's expense,

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 plaintiff-appellant to file a supplemental record to include certain documents referenced in the affirmation of Erin McMurray-Killelea, Esq., dated August 8, 2008 (Exhibit E to moving papers) and costs to abide the event.

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 18, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
Luis A. Gonzalez  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

-----X  
Boris Khrapunskiy, et al.,  
Plaintiffs-Respondents,

-against-

M-3760  
Index No. 404175/04

Robert Doar, as Commissioner of the  
New York State Office of Temporary  
and Disability Assistance,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 17, 2008 (Appeal No. 9369),

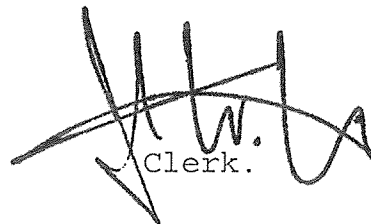
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted, and 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 Supreme Court, as affirmed by this 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 18, 2008.

PRESENT: Hon. David Friedman, Justice Presiding,  
Luis A. Gonzalez  
John W. Sweeny, Jr.  
James M. McGuire, Justices.

-----X

Sharon Wechsler,  
Plaintiff-Respondent,

-against-

M-3951  
Index No. 350250/01

Norman Wechsler,  
Defendant-Appellant.

-----X

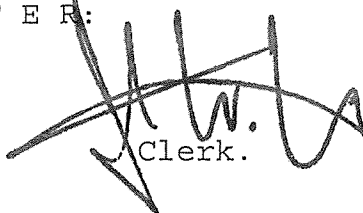
An order of this Court having been entered January 31, 2008 (M-6689) reinstating the appeal taken by defendant-appellant from the judgment of divorce of the Supreme Court, New York County, entered on or about February 3, 2006 (Appeal No. 1094),

And defendant-appellant having moved for a stay of all proceedings to enforce the aforesaid judgment of divorce and any subsequent money judgments of said Court pending determination of the reinstated 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.

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 18, 2008.

Present: Hon. David Friedman, Justice Presiding,  
Milton L. Williams  
James M. Catterson  
Rolando T. Acosta, Justices.

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

-against-

M-3668  
Ind. No. 3151/07

Donald Squires, also known as  
Donald C. Squires,  
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 March 7, 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

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

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

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

Respondent,

M-3477  
Ind. No. 10513/97

-against-

CERTIFICATE  
DENYING LEAVE  
UPON REARGUMENT


DARRYL PHELPS,

Defendant.

-----X

I, Milton L. Williams, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application made by the above-named defendant for reargument/renewal of the denial of the motion for a certificate pursuant to Criminal Procedure Law, section 460.15, (M-4897 entered October 26, 2006) and upon the record and proceedings herein, there being no question of law or fact misapprehended or overlooked, the motion for reargument for permission to appeal from the Order of the Supreme Court, New York County, entered on or about August 25, 2006, is hereby denied.

Dated: New York, New York  
September 9, 2008

  
Justice of the Appellate Division

**ENTERED** SEP 18 2008

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

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

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

Respondent,

M-3649  
Ind. No. 348/07  
372/07

-against-

CERTIFICATE  
DENYING LEAVE

REYNAULT CHEVALIER,  
Defendant.

-----X

I, Milton L. Williams, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, entered on or about May 8, 2008, is hereby denied.

Dated: New York, New York  
September 9, 2008

  
Justice of the Appellate Division

**ENTERED** SEP 18 2008

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

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

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

Respondent,

M-3900  
Ind. No. 4247/03

-against-

CERTIFICATE  
DENYING LEAVE


ANTHONY BROWN,

Defendant.

-----X

I, Milton L. Williams, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, New York County, entered on or about June 26, 2008, is hereby denied.

Dated: New York, New York  
September 9, 2008

  
Justice of the Appellate Division

**ENTERED** SEP 18 2008

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

BEFORE: Hon. Karla Moskowitz  
Justice of the Appellate Division

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

220 CPS "Save our Homes" Association,  
et al.,  
Petitioners,

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

M-3448  
M-3488  
Index No. 106658/07

-against-

The New York State Division of  
Housing and Community Renewal and  
Madave Properties SPE, LLC,  
Respondents,

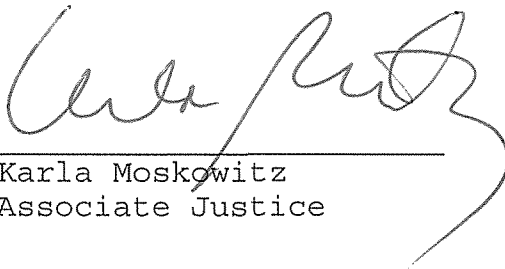
-----X

The above named respondents having moved separately,  
pursuant to CPLR 5701(c), for leave to appeal to this Court from  
the interim order of the Supreme Court, New York County, entered  
on or about June 9, 2008 (mot. seq. no. 001),

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

It is ordered that the motions are granted.

Dated: New York, New York  
September 9, 2008.

  
\_\_\_\_\_  
Karla Moskowitz  
Associate Justice

Entered: **SEP 18 2008**



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

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

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

M-3787  
Ind. No. 2722/1997

-against-

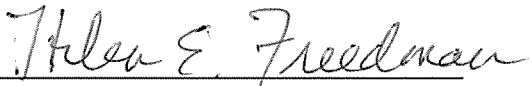
CERTIFICATE  
DENYING LEAVE

ANTHONY JONES a/k/a RAY ANTHONY BROWN,

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 June 17, 2008 is hereby denied.

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

Dated: September 8, 2008  
New York, New York

ENTERED: SEP 18 2008