

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2009.

PRESENT - Hon: Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
David Hooper,
Plaintiff-Appellant,

-against-

M-1271
Index No. 100262/06

Kaufman Arcade Associates, L.P.,
et al.,
Defendants-Respondents.

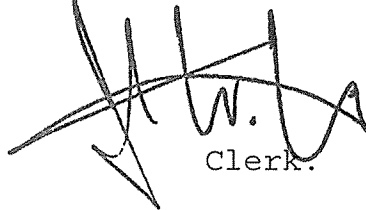
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about November 7, 2008 (mot. seq. no. 003),

Now, upon reading and filing the papers with respect to the motion, the stipulation of the parties hereto, dated March 13, 2009, and due deliberation having been had thereon, it is

Ordered that the motion and the appeal are deemed withdrawn, in accordance with the aforesaid stipulation.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2009.

Present: Hon. Luis A. Gonzalez, 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-1287
Index No. 6180/06

Orlando Torres,
Defendant-Appellant.


-----X

Respondent People having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about March 19, 2007,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from the People, dated March 31, 2009, 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It is ordered that the motion is deemed withdrawn.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 April 16, 2009.

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

-----X
Able Energy, Inc., etc., et al.,
Plaintiffs-Respondents-Appellants,

-against-

M-1205 & M-1300
Index No. 603224/07

Marcum & Kliegman LLP, etc., et al.,
Defendants-Appellants-Respondents.
-----X

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

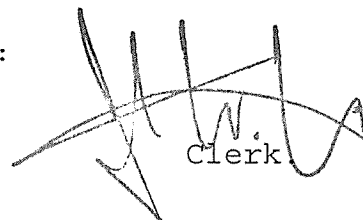
And defendants-appellants-respondents having moved for an order enlarging the time in which to perfect the direct appeal (M-1205),

And plaintiffs-respondents-appellants having cross-moved for an order dismissing defendants-appellants-respondents' direct appeal (M-1300),

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 defendants-appellants-respondents' motion is granted to the extent of enlarging the time to perfect the direct appeal to the September 2009 Term. The cross motion to dismiss the direct appeal is granted unless the appeal is perfected for said September 2009 Term. Upon failure to so perfect, (1) an order dismissing the appeal may be entered ex parte, provided plaintiffs-respondents-appellants serve a copy of this order upon the defendants-appellants-respondents within 10 days after the date of entry hereof, and (2) plaintiffs are directed to perfect as a direct appellant for the next available term of 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 April 16, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
In the Matter of

Christopher R.; Crieg B.
and Curtis B., Jr.,

M-334
Docket Nos. NN12698/06
NN12699/06
NN12700/06

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

Administration for Children's
Services,
Petitioner-Respondent,

Lecrieg B.-B.,
Respondent-Appellant.

Stephanie Rancer, Esq., Lawyers for
Children,
Law Guardian for the Children.

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

Docket Nos. V13766/06
V13767/06
V13768/06

Curtis B., Sr.,
Petitioner-Respondent,

-against-

Lecrieg B.-B.,
Respondent-Appellant,

Administration for Children's
Services,
Respondent.

-----X

April 16, 2009

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 January 15, 2009, 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 57th Street, Apt. 14-C, New York, NY 10022, Telephone No. 646-824-0322, 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 therefor¹ within 30 days (FCA 1121[7]) 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) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. 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.

¹Service 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 April 16, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-703
Ind. No. 1667/99

Carlos Savinon,

Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about December 18, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel J. Kousouros, Esq., to post the \$50,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 April 16, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
John T. Buckley
Rolando T. Acosta, Justices.

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

Gekia Hafeesah Amore M.,

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

M-852
Docket No. B-8774/08

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

- - - - -
Paris W.,
Respondent-Appellant,

- - - - -
Natalie Albert, Esq.,
Law Guardian for the Child.

-----X
An appeal having been taken from the order of the Family Court, New York County, entered on or about January 6, 2009,

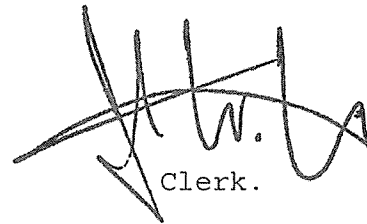
And respondent-appellant father having moved for leave to prosecute the appeal as a poor person, assignment of counsel, and related relief,

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

April 16, 2009

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, Nancy Botwinik, Esq., 309 West 82nd Street, Apt. 4-A, New York, NY 10024, Telephone No. 212-787-1501, 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 State of New York from funds available therefor¹ **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.

¹Service 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 April 16, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
John T. Buckley
Rolando T. Acosta, Justices.

-----X
In the Matter of

Christian G.,

A Person Alleged to Be a Juvenile
Delinquent,

M-853
Docket No. D-13127/08


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 January 8, 2009, 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, Howard Simms, Esq., 295 Greenwich Street, Suite 222, New York, NY 10007, Telephone No. 646-485-4009, 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 State of New York from funds available therefor;¹ 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 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

¹Service 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 April 16, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Eugene Nardelli
James M. Catterson
Karla Moskowitz
Dianne T. Renwick, Justices.

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

-against-

M-1241
Ind. No. 4868/08

Steven Letsche,
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 February 4, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

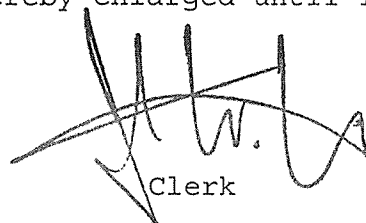
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 April 16, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Eugene Nardelli
James M. Catterson
Karla Moskowitz
Dianne T. Renwick, Justices.

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

-against-

M-1239
Ind. No. 2374/08

James Melendez,
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 February 27, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, and to post the \$4,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 April 16, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
David Friedman
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Lori Beth Walters,
Plaintiff-Respondent,

-against-

M-408

Collins Building Services, Inc.,
Defendant,

Index No. 107047/03

American Building Maintenance Co.,
et al.,
Defendants-Appellants.

- - - - -
American Building Maintenance Co.,
Third-Party Plaintiff-Appellant,

Index No. 590986/05

-against-

Trammell Crow Services, Inc., etc.,
Third-Party Defendant-Appellant.

-----X

Plaintiff-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 30, 2008 (Appeal Nos. 4934-4934A),

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 April 16, 2009.

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

-----X
Neftali Mendoza,
Plaintiff-Appellant,

-against-

M-955
Index No. 115242/03

The City of New York and New York
City Police Department,
Defendants-Respondents.

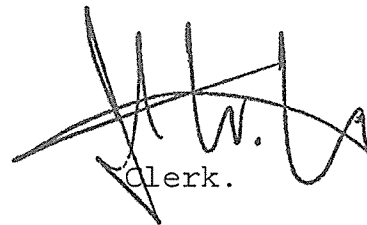
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about December 17, 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 the time in which to perfect the appeal to the September 2009 Term, with no further enlargements to be granted.

ENTER:


clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2009.

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

-----X
Susan Angel,
Plaintiff-Appellant,

-against-

M-1076
Index No. 350072/05

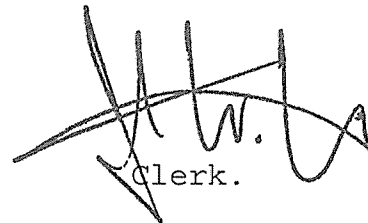
Christopher O'Neill,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about June 6, 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 to the extent of enlarging the time in which to perfect the appeal to the September 2009 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2009.

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

-----X
American Express Travel Related
Services Company, Inc.,

Plaintiff-Respondent,

-against-

M-1198
Index No. 400453/07

Aviv Gaal,

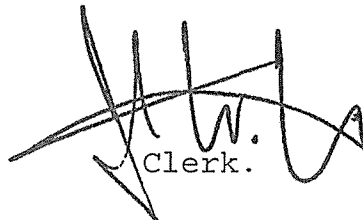
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 30, 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 to the extent of enlarging the time in which to perfect the appeal to the September 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 April 16, 2009.

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

-----X
Nelson Gonzalez,
Plaintiff-Respondent,

-against-

M-1224
Index No. 106484/06

525 West 175th Street, LLC.,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about April 18, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 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 April 16, 2009.

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

-----X
Jerry Levine and Paula Levine,
Plaintiffs-Appellants,

-against-

M-1318
Index No. 110643/04

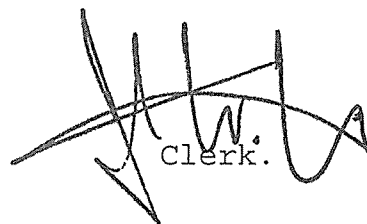
The City of New York,
Defendant-Respondent.
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 27, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 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 April 16, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
William McLaughlin and Catherine
McLaughlin,

Plaintiffs-Respondents,

-against-

M-1190
Index No. 118362/06

Plaza Construction Corporation,
et al.,

Defendants-Appellants.
-----X

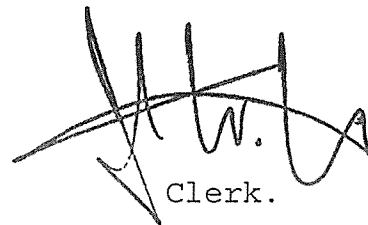
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 13, 2008 (mot. seq. no. 003),

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

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

It is ordered that the motion is granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----x
Tajudeen Adepetu,

Plaintiff-Appellant,

-against-

M-1227
Index No. 4585/08

Roseline Adepetu,

Defendant-Respondent.
-----x

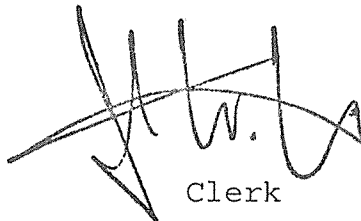
An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about February 23, 2009,

And plaintiff-appellant having moved for a stay of the order pending hearing and determination of the aforesaid appeal, and for related relief,

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

It is ordered that the motion is denied, and the interim relief granted by the order of a Justice of this Court, dated March 10, 2009, is vacated.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2009.

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

-----X

Gina Williams,
Plaintiff-Appellant,

-against-

M-1006
Index No. 115453/01

The New York City Housing Authority,
et al.,
Defendants-Respondents.

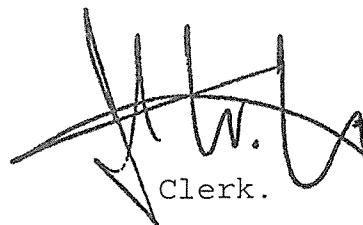
-----X

Plaintiff-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 January 27, 2009 (Appeal No. 4490),

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 April 16, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Bank of America, N.A.,
Plaintiff-Respondent,

-against-

M-1172
Index No. 601892/07

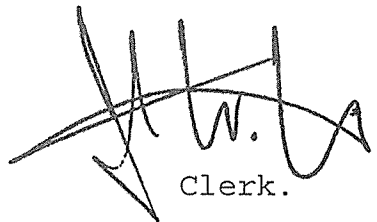
Sheldon H. Solow,
Defendant-Appellant.
-----X

Defendant-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 February 24, 2009 (Appeal Nos. 5335-5335A),

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 April 16, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Eugene Nardelli
John T. Buckley
Rolando T. Acosta, Justices.

-----X
542 Holding Corp.,
Plaintiff-Respondent,

-against-

Prince Fashions, Inc., et al.,
Defendants-Appellants,

M-485
Index No. 105673/05

Foravi, Inc., et al.,
Defendants.

Prince Fashions, Inc.,
Plaintiff-Appellant,

Index No. 120149/02

-against-

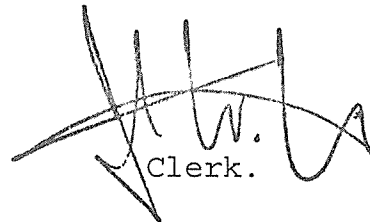
542 Holding Corp.,
Defendant-Respondent.

-----X
Plaintiff-respondent/defendant-respondent 542 Holding Corp. having moved for reargument and/or reconsideration of the decision and order of this Court entered on December 30, 2008 (Appeal Nos. 4925N and 4926N),

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 April 16, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Eugene Nardelli
James M. Catterson
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Charles LoBianco,
Plaintiff-Respondent,

-against-

M-824
Index No. 114773/05

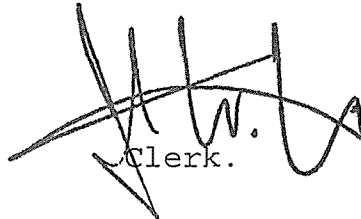
Christopher Lake, Keyspan Energy
Construction, LLC, Hawkeye Electric,
LLC, Hawkeye, LLC and Altec Capital
Services, LLC.,
Defendants-Appellants.

-----X
Defendants-appellants having moved for a stay of trial pending hearing and determination of the perfected appeal taken from the order of the Supreme Court, New York County, entered on or about October 2, 2008 (mot. seq. no. 003)

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

It is ordered that the motion is 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 April 16, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Eugene Nardelli
James M. Catterson
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
In the Matter of the Application of
515 East 5th Street, LLC,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1503
Index No. 113745/07

New York City Board of Standards and
Appeals and the City of New York,
Respondents-Respondents,

-and-

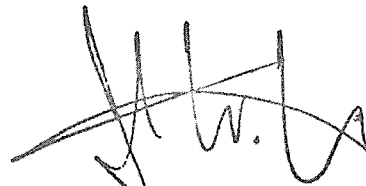
Tenants Association of 515 East 5th St.,
Intervenor-Respondent.
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 20, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 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 April 16, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John T. Buckley
Leland G. DeGrasse, Justices.

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

Genesis S., also known as Geneses S.,
Mark Anthony S.,

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

M-1160
Docket Nos. B-1643/07
B-6250/06

Jewish Child Care Association,
Petitioner-Respondent,

Irene S.,
Respondent-Appellant,

Arnold Rothbaum, Esq.,
Guardian at Litem.
Petitioner.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about December 4, 2008,

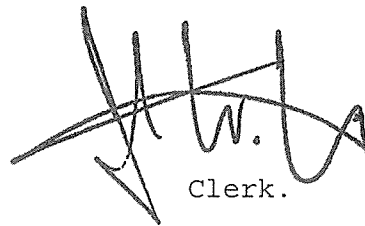
And respondent-appellant mother having moved, for leave to prosecute the appeal as a poor person, assignment of counsel, and related relief,

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

April 16, 2009

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, Howard Simms, Esq., 295 Greenwich Street, Suite 222, New York, NY 10007, Telephone No. 646-485-4009, 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 State of New York from funds available therefor¹ 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.

¹Service 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 April 16, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
In the Matter of

Ciara R.,

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

M-830
Docket No. B21828/07

- - - - -
Episcopal Social Services, et al.,
Petitioners-Respondents,

Lourdes R.,
Respondent-Appellant.

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

-----X

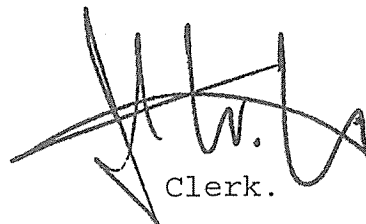
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about November 5, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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, Nancy Botwinik, Esq., 309 West 82nd Street, Apt. 4-A, New York, NY 10024, Tel. No. 212-787-1501,

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 therefor¹ within 30 days (FCA 1121[7]) 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) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. 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.", is written over the word "Clerk." The signature is stylized and somewhat illegible.

Clerk.

¹Service 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 April 16, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-1386
Ind. No. 4908/07

Ousame Sam,

Defendant-Appellant.
-----X

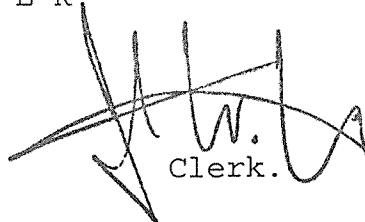
An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about February 6, 2009,

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

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the sources of funds used to post the \$3,500 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. The application shall include an affidavit of the source[s] of all funds utilized by defendant.

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 April 16, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X

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

M-1282
M-1251

- - - - -

Docket Nos. V15343-01
V15343-01/01A
V15343-01/02B
V15343-01/03C
V15343-01/05D
V15343-01/05E

Ralph V.,
Petitioner,

-against-

Elizabeth V., also known as
Elizabeth A.,
Respondent.

- - - - -

Harold E. Jones,
Law Guardian.

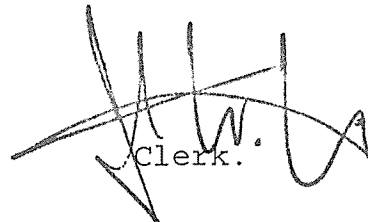
-----X

Harold E. Jones, Esq., Law Guardian having moved by duplicate motions for the assignment of counsel as Law Guardian to respond to the appeal taken by the petitioner, and related relief,

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

It is ordered that the motion(s) are denied as academic, the appeal having been dismissed by prior order of this Court. (See M-750 entered March 24, 2009, a copy of which is annexed hereto.)

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 24, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman, Justices.

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

Ralph V.,
Petitioner-Appellant,

-against-

Elizabeth V., also known as Elizabeth A.,
Respondent-Respondent.

M-750
Docket Nos. V15343-01
V15343-01/01A
V15343-01/02B
V15343-01/03C
V15343-01/05D
V15343-01/05E

-----X
An appeal having been taken from the order of the Family Court, Bronx County, entered on or about December 19, 2007,

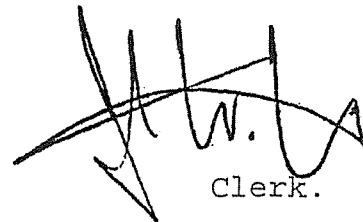
And an order of this Court having been entered January 29, 2009 (M-6190) inter alia enlarging appellant's time in which to perfect said appeal to the May 2009 Term,

And petitioner-appellant having moved for an order directing the Family Court to transfer the entire trial record to this Court and further enlarging the 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 and the aforesaid appeal 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 April 16, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Lenora Alvarado,
Plaintiff-Appellant,

-against-

M-1283
Index No. 20245/06

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

Defendants-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 5, 2009 (Appeal No. 5429),

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 April 16, 2009.

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

-----X
NYCTL 1996-1 Trust and the Bank of
New York, etc.,
Plaintiff-Respondent,

M-255
Index No. 6922/98

-against-

EM-ESS Petroleum Corp., et al.,
Defendants,

Joseph Stern,
Successful Bidder-Appellant.

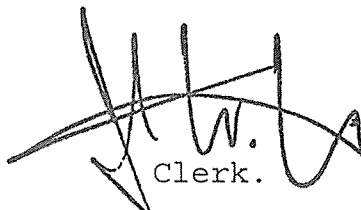
-----X

Successful Bidder-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 December 16, 2008 (Appeal No. 4621N),

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 April 16, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. McGuire
Karla Moskowitz, Justices.

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

Jonathan R.,
Petitioner-Respondent,

-against-

M-1067
Docket Nos. V06489-02/06E
V06489-02/07F

Jeidy 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 November 18, 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, Louise Belulovich, Esq., 411 East 57th Street, Apt. 14-C, New York, New York 10022, Telephone No. 646-824-0322, 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 therefor¹ within 30 days (FCA 1121[7]) 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) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. 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.

¹Service 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 April 16, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Rolando T. Acosta
Leland G. DeGrasse, Justices.

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

-against-

M-1303
Ind. No. 297/04

Edward Bowman,
Defendant-Appellant.

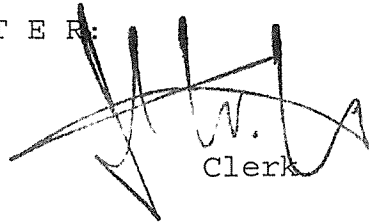
-----X

Defendant-appellant having moved for an extension of time in which to file a pro se supplemental brief in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 3, 2006, having moved for leave to file a pro se supplemental brief, or for alternative relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before July 13, 2009 for the September 2009 Term, to which Term the appeal is adjourned, with no further enlargements to be granted. The appeal will not be heard unless and until all material furnished to appellant has been returned. The motion is otherwise denied.

E N T E R:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Application of
L.A., M.D., M.P.H.,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1333
Index No. 400227/06

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

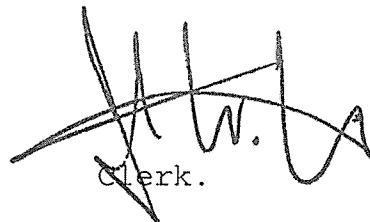
-----X

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 March 24, 2006 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 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 April 16, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Citicorp Leasing, Inc.,
Plaintiff-Respondent,

-against-

M-711
Index No. 603254/04

U.S. Auto Leasing, Inc., et al.,
Defendants,

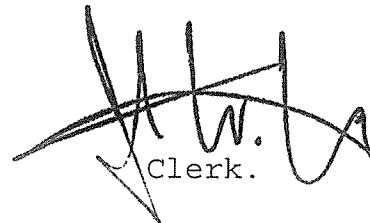
Bahig F. Bishay,
Defendant-Appellant.
-----X

Defendant-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 January 13, 2009 (Appeal No. 5029),

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 April 16, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X

CDR Créances S.A.S., as Successor to
Société de Banque Occidentale,
Plaintiff-Respondent,

M-1544

-against-

Maurice Cohen,
Defendant-Appellant,

Index No. 109565/03

Summerson International Establishment,
et al.,
Defendants.

CDR Créances S.A.S., as Successor to
Société de Banque Occidentale,
Plaintiff-Respondent,

-against-

Leon Cohen, also known as Leon Levy,
also known as Leon Levy Cohen, also
known as Leon Cohen Levy, also known
as Leon Cohen-Levy, also known as Levy
Cohen, also known as Levy Leo Cohen,
also known as Leo Cohen Levy, also
known as Leon Comen; Maurice Cohen,
also known as Mauricio Assor, also known
as Mauricio Cohen Assor, also known as
Maurice Assor; Sonia Cohen and
Joelle Habib,
Defendants-Appellants,

Index No. 600448/06

Iderval Holding, Ltd., et al.,
Defendants.

-----X

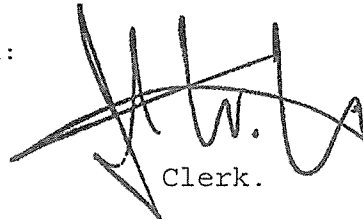
Consolidated appeals having been taken from the order of the Supreme Court, New York County, entered on or about August 13, 2008, and said consolidated appeals having been perfected for the May 2009 Term,

And plaintiff CDR Créances S.A.S., as Successor to Société de Banque Occidentale having moved for an order striking portions of appellants' joint record on appeal and for substitution thereof, 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 appellants to immediately correct the joint record on appeal by physically removing pages R. 4191-94, 4200-03 and 4209-12, the incorrect and incomplete translations of affidavits of Allegria Aich, Patricia Benharbon (formerly Patricia Petetin) and Robert Maraboef and to replace those translations with the translations of affidavits actually served and filed by appellants' in Supreme Court, copies of which are submitted with the moving papers.

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 April 16, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Rosalyn H. Richter, Justices.

-----X
Marilyn Feuer,
Plaintiff-Respondent,

-against-

M-1391
Index No. 117698/05

24-7 Gym, LLC,
Defendant-Appellant.
-----X

24-7 Gym, LLC,
Third-Party Plaintiff,

-against-

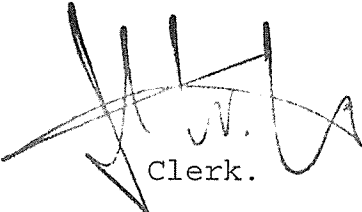
Phyllis Steinberg,
Third-Party Defendant.
-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 2, 2009 (mot. seq. no. 003),

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

It is ordered that the motion is denied.

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 April 16, 2009.

Present - Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
John T. Buckley
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
George V Restauration S.A., et al.,
Plaintiffs-Appellants,

-against-

M-611
Index No. 602309/07

Little Rest Twelve, Inc.,
Defendant-Respondent.


-----X

Defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 6, 2009 (Appeal Nos. 4966N-4967N),

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 April 16, 2009.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Alicia Dannucci,
Plaintiff-Respondent,

-against-

M-1242
Index No. 13655/06

Daniel L. Gomez, Ignacio Gomez and
Inez Gomez,
Defendants-Appellants,

Dominick V. Mastrovincenzo,
Defendant.

-----X

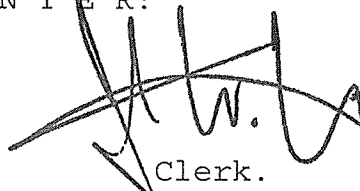
Separate appeals having been taken from the order of the Supreme Court, Bronx County, entered on or about May 21, 2008,

And defendant-appellant Dominick V. Mastrovincenzo having moved to withdraw his 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 taken by Dominick V. Mastrovincenzo is deemed withdrawn. The appeal taken by appellants Daniel L. Gomez, et al. remains extant.

E N T E R:


Clerk.

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Respondent,

M-57
Ind. No. 3891/96

-against-

CERTIFICATE
DENYING LEAVE

Lawrence Benjamin,

Defendant.
-----X

I, Peter Tom, 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 15, 2008 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: April 13, 2009
New York, New York

ENTERED APR 16 2009

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Respondent,

M-482
Ind. No. 1396/78

-against-

CERTIFICATE
DENYING LEAVE

Charles Wright,

Defendant.
-----X

I, Peter Tom, 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 December 16, 2008 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: April 13, 2009
New York, New York

ENTERED APR 16 2009

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

Respondent,

M-588
Ind. No. 9747/89

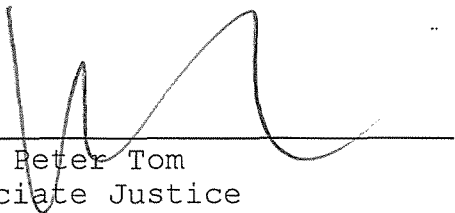
-against-

CERTIFICATE
DENYING LEAVE

Leonard Tavarez,

Defendant.
-----X

I, Peter Tom, 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 December 7, 2006 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: April 13, 2009
New York, New York

ENTERED APR 16 2009

PM ORDERS

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2009.

Present: Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick
Helen E. Freedman, Justices.

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

Jamie Ames, et al.,
Plaintiffs-Respondents,

-against-

M-1491A
Index No. 107574/08

A.O. Smith Water Products Co., Inc.,
et al.,
Defendants,

Robert A. Keasbey Company,
Defendant-Appellant.

-----X
(And another action)
-----X

Index No. 103592/08

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 19, 2009, inter alia joining several asbestos actions for trial,

And defendant-appellant, Robert A. Keasbey Company, having moved on behalf of itself and several other defendants to stay the joint trial, pending hearing and determination of the appeal taken from the aforesaid order,

Now, upon reading and filing the papers with respect to the motion, and the stipulation between the parties filed April 6, 2009, and due deliberation having been had thereon,

It is ordered that the motion on behalf of Robert A. Keasbey Company is deemed withdrawn. With respect to the remaining defendants, the motion is denied. The interim relief afforded movant(s) by order of a Justice of this Court dated March 25, 2009 is vacated. The order of this Court entered on April 7, 2009 (M-1491) is herewith recalled and vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 16, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David Friedman
James M. Catterson
Rolando T. Acosta, Justices.

-----X
In the Matter of

Stephanie S. and
Kimberly L.,

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

Administration for Children's Services, Docket Nos. M-4959
Petitioner-Respondent, NN2709/08
NN2710/08

Ruben S.,
Respondent-Appellant.

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

Respondent-appellant father Ruben S. having moved for leave to appeal, as a poor person, from the order of the Family Court, New York County, entered on or about September 18, 2008, (as modified by the order of said Court on November 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, Kenneth Tuccillo, Esq., 385 Warburton Avenue, Suite 7, Hastings-On-Hudson, New York 10706, Telephone No. 914-439-4843, 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 therefor¹ within 30 days (FCA 1121[7]) 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) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. 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. L.", is written over the word "Clerk." The signature is stylized and somewhat illegible.

Clerk.

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