

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Gina Desir,  
Plaintiff-Respondent,

-against-

M-3474X  
Index No. 13273/06

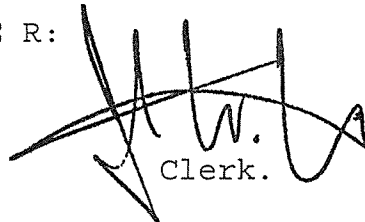
Gustavo Tavaras,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 22, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 27, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Galaxy Systems Inc.,  
Plaintiff-Respondent,

-against-

M-3475X  
Index No. 600221/09

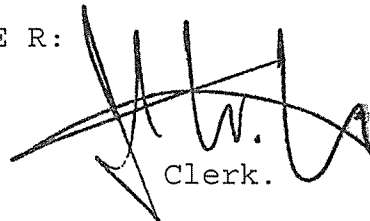
Xcel Solutions Corp., et al.,  
Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 19, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 24, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Karl King, et al.,  
Petitioners-Respondents,

-against-

M-3498X  
Index No. 116377/03

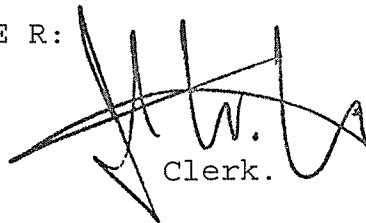
Kenneth King,  
Respondent-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about February 24, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 28, 2009, and due deliberation having been had thereon,

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Robert Rodriguez, as Administrator of  
the Estate of Ariel Rodriguez, deceased  
and Anna Maria Rodriguez,  
Plaintiffs-Appellants,

-against-

M-3574X  
Index No. 17963/03

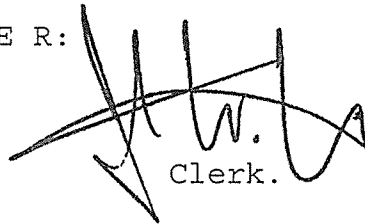
Maria N. Nicolaidis, M.D., et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about April 15, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 29, 2009, and due deliberation having been had thereon,

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 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  
Appellant,

-against-

M-3476  
Ind. No. 1007/05

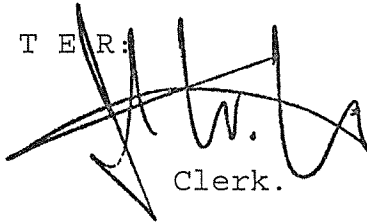
Winfred Saunders,  
Defendant-Respondent.

-----X

The People having appealed to this Court from the order of the Supreme Court, New York County, entered on or about May 17, 2006,

Now, upon reading and filing the stipulation of the parties hereto, dated July 23, 2009, 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 August 25, 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,  
Appellant,

-against-

M-3477  
Ind. No. 4853/04

Dymond Davis, also known as  
Selina Davis,  
Defendant-Respondent.

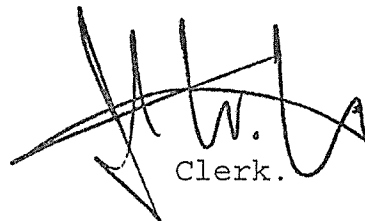
-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about April 10, 2007,

Now, upon reading and filing the stipulation of the parties hereto dated July 23, 2009, 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 August 25, 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,  
Appellant,

-against-

M-3479  
Ind. No. 193/07

Anthony Johnson,  
Defendant-Respondent.

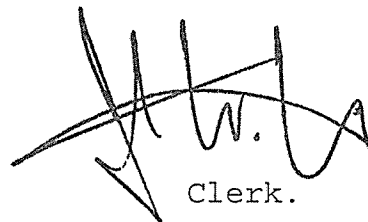
-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about May 17, 2007,

Now, upon reading and filing the stipulation of the parties hereto dated July 23, 2009, 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 August 25, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-3481  
Ind. No. 1019/07

Jose Santos,  
Defendant-Respondent.

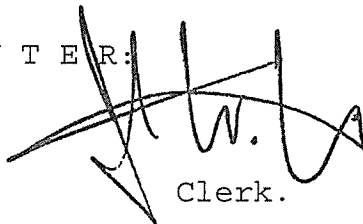
-----X

The People having appealed to this Court from the order of the Supreme Court, New York County, entered on or about May 31, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated July 23, 2009, 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 August 25, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzaelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-3483  
Ind. No. 5080/06

Julio Irizarry,  
Defendant-Respondent.

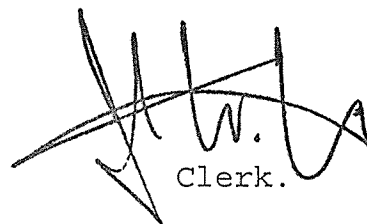
-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about June 16, 2007,

Now, upon reading and filing the stipulation of the parties hereto dated July 22, 2009, 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 August 25, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzaelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-3485  
Ind. No. 1366/06

Chaurnel Cooper,  
Defendant-Respondent.

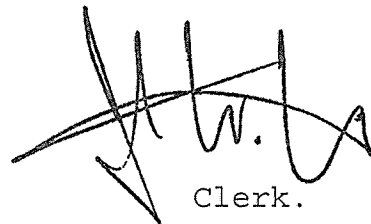
-----X

The People having appealed to this Court from an order of the Supreme Court, New York County, entered on or about May 24, 2006,

Now, upon reading and filing the stipulation of the parties hereto dated July 23, 2009, 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 August 25, 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,  
Appellant,

-against-

M-3512  
Ind. No. 1881/06

Jermaine Robinson,  
Defendant-Respondent.

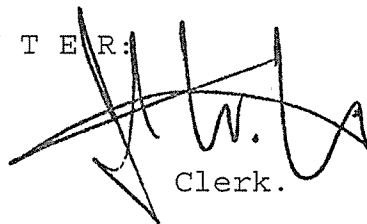
-----X

The People having appealed to this Court from the order of the Supreme Court, New York County, entered on or about March 16, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated July 28, 2009, 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 August 25, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

-against-

M-3545  
Ind. No. 4884/04

Carmen Rab,  
Defendant-Respondent.

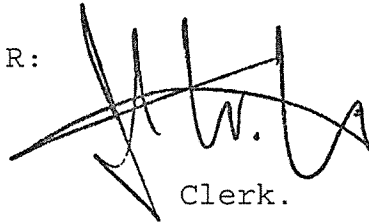
-----X

The People having appealed to this Court from the order of the Supreme Court, New York County, entered on or about July 5, 2006,

Now, upon reading and filing the stipulation of the parties hereto, dated July 29, 2009, and due deliberation having been had thereon, it is

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

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Luz Azcona,  
Plaintiff-Appellant,

-against-

M-3135  
Index No. 110556/05

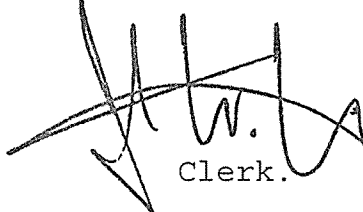
KAK Enterprises, Inc., et al.,  
Defendants-Respondents.  
-----X

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 28, 2008 (mot. seq. no. 001),

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Roth & Roth, LLP, Audra R. Roth, Esq., counsel for plaintiff-appellant, dated July 23, 2009, and due deliberation having been had thereon,

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Denise Karas-Abraham,  
Plaintiff-Respondent,

-against-

M-3279  
Index No. 306616/03

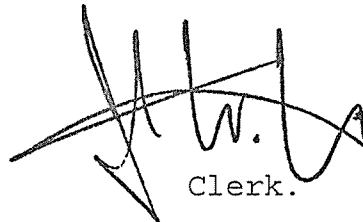
Gideon Abraham,  
Defendant-Appellant.  
-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the judgment of divorce of the Supreme Court, New York County, entered on or about April 17, 2008,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from plaintiff-respondent's counsel dated July 23, 2009, and due deliberation having been had thereon,

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

John Geoffery, 502 W. 47<sup>th</sup> Street, LLC,  
Tip Top Management, Inc., 459 West 50<sup>th</sup>  
LLC., F.T.C. Realty Co., Inc. and  
Mollaney, LLC,  
Petitioners-Appellants,

M-3492  
Index No. 109900/06

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

-against-

New York City Water Board, et al.,  
Respondents-Respondents.

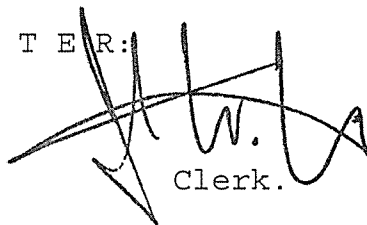
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about February 5, 2007 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, dated July 22, 2009, and due deliberation having been had thereon, it is

Ordered that the appeal, previously perfected for the September 2009 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 August 25, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

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

2750 Johnson Owners Corp.,  
Petitioner-Appellant,

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

M-3494  
Index No. 21877/06

-against-

New York City Water Board, et al.,  
Respondents-Respondents.

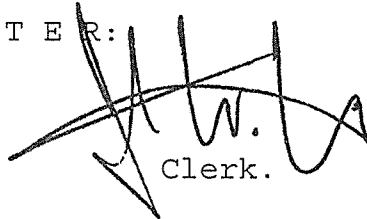
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about March 22, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated July 22, 2009, and due deliberation having been had thereon, it is

Ordered that the appeal, previously perfected for the September 2009 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 August 25, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Luz A. Rivera,  
Plaintiff-Respondent,

-against-

M-3554  
Index No. 16919/04

Sheridan Manor Associates Limited  
Partnership, et al.,  
Defendants,

P&T Contracting Corporation,  
Defendant-Appellant.

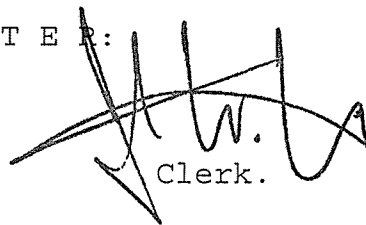
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 16, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated July 17, 2009, and due deliberation having been had thereon, it is

Ordered that the appeal, previously perfected for the September 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
Gilbert and Linda Howlett,  
Petitioner(s),

For a Judgment, etc., M-2198 (DC #49)  
M-2211  
-against- Index No. 401857/08

New York City Housing Authority,  
Respondent(s).  
-----X

An Article 78 proceeding to review a determination of respondent(s) having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about November 17, 2008,

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

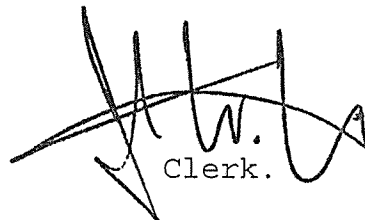
And a calendar call having been held by the Clerk of the Court on May 14, 2009, pursuant to Rule 600.12(c) of said Rules of Practice (M-2198 [DC #49]),

And petitioner(s) having moved for leave to prosecute the proceeding as a poor person, for leave to have the proceeding heard on the original record and upon a reproduced brief, for an enlargement of time in which to perfect the proceeding, and for related relief (M-2211),

Now, upon the Court's own motion (M-2198 [DC #49]), and upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is,

Ordered that the motions are granted to the extent of enlarging the time in which to perfect the proceeding to the January 2010 Term, and the motions are otherwise denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzarelli  
Richard T. Andrias  
David B. Saxe, Justices.

-----X  
James Couri,  
Plaintiff-Appellant,

-against-

M-2494  
Index No. 104661/08

John Siebert and John W.  
Siebert, M.D., P.C.,  
Defendants-Respondents.

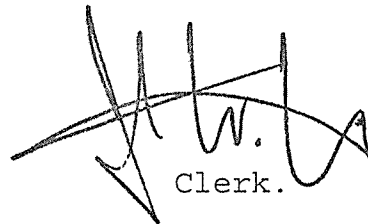
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about September 25, 2008 (mot. seq. no. 001),

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

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
David Friedman  
John W. Sweeny, Jr.  
John T. Buckley, Justices.

-----X  
In the Matter of

Shane Chayann Orion S.,

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

M-2532  
Docket No. B10047/07

- - - - -  
Edwin Gould Services for Children  
and Families, et al.,  
Petitioners-Respondents,

Dexter F.,  
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, New York County, entered on or about March 4, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

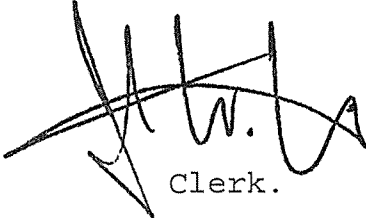
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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, Howard Simms, Esq., 295 Greenwich Street, Suite 222, New York, NY 10007, Tel. No. (646) 485-4009,

August 25, 2009

as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor<sup>1</sup> within 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 the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzaelli  
David Friedman  
James M. Catterson  
Dianne T. Renwick, Justices.

-----X  
Christopher Spierer, et al.,  
Plaintiffs-Appellants,

-against-

M-1380  
Index No. 8024/87

Bloomington's, etc., et al.,  
Defendants,

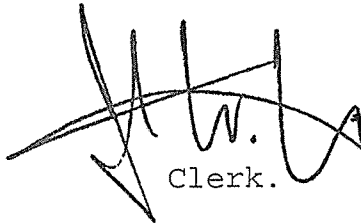
Simmons, USA,  
Defendant-Respondent.  
-----X

Plaintiffs-appellants 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 19, 2009 (Appeal No. 5271),

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 August 25, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Sakura Bethea, an Infant Under the  
Age of 18 Years, by her Mother and  
Natural Guardian Sabrina Bethea,  
and Sabrina Bethea, Individually,  
Plaintiffs-Respondents,

M-3276  
Index No. 107680/04

-against-

St. Vincent Ferrer High School,  
and Archdiocese of New York,  
Defendants-Appellants.

-----X

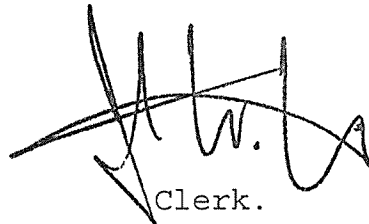
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 4, 2009, and said appeal having been perfected,

And defendants-appellants having moved to withdraw the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the release and Stipulation of Discontinuance with prejudice, both dated June 26, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is 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 August 25, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Tyqann W., also known as  
Tyquann W.,

M-3071  
Docket No. D10462/09

A Person Alleged to Be a Juvenile  
Delinquent,  
Appellant.

-----X

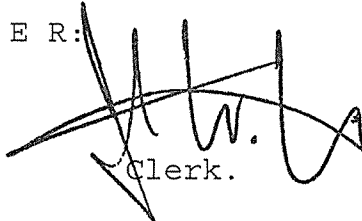
An appeal having been taken from the orders of the Family Court, Bronx County, entered on or about June 23, 2009 and June 26, 2009, respectively,

And appellant having moved for a stay of the orders pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from appellant's counsel dated July 23, 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 correspondence. The order of a Justice of this Court, dated July 1, 2009, is herewith vacated.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Branko Kovacevic,  
Plaintiff-Appellant,

-against-

Crystal Palace Caterers, Inc.,  
Defendant-Respondent.

M-3179  
Index No. 113962/05

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

Index No. 59034/06

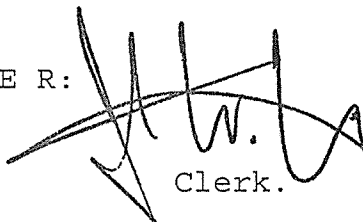
-----X  
An appeal having been taken by plaintiff-appellant, from the order of the Supreme Court, New York County, entered on or about May 29, 2008 (mot. seq. no. 001),

And defendant-respondent having moved for an order dismissing the appeal,

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

Ordered that the motion is granted to the extent of dismissing the appeal unless plaintiff-appellant perfects the appeal on or before October 5, 2009 for the December 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that defendant-respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-3278  
Ind. No. 695/08

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

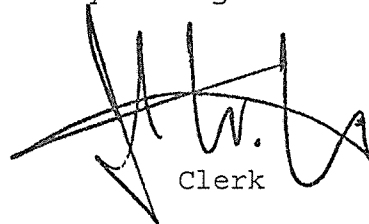
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 August 25, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-3307  
Ind. No. 2114/00

Eddy Rosario,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 27, 2009, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

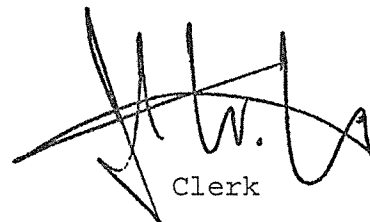
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 August 25, 2009.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosaly H. Richter, Justices.

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

-against-

M-3318  
Ind. No. 4399/08

Alonzo Cheeks,  
Defendant-Appellant.

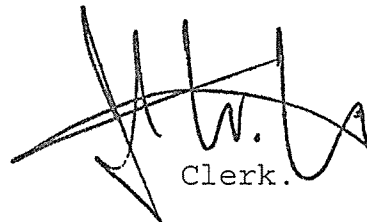
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 28, 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(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the amount and sources of his income 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 August 25, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-3324  
Ind. No. 509/08

Leonel Perez,  
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 30, 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(a), setting forth the amount and sources of funds to pay trial counsel's fee 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 August 25, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-3266  
Ind. No. 5296/07

William Jones,  
Defendant-Appellant.

-----X

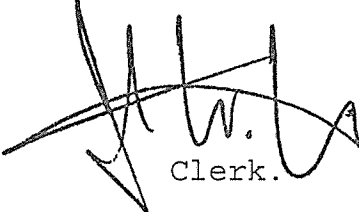
Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 14, 2008, for leave to prosecute the appeal as a poor person, upon the original record and a reproduced appellant's brief, and for 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 only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant-appellant's submission of a notarized affidavit, setting forth his indigency in compliance with CPLR 1101(a), as well as a statement detailing the amount and sources of his income and listing his property with its value.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-3380  
Case No. 16838C/08

Anthony Francis,  
Defendant-Appellant.

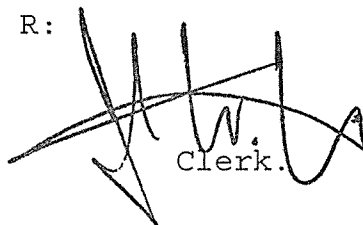
-----X

Defendant-appellant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 28, 2009,

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

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

E N T E R:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-3378  
Case No. 65148C/08

Pablo Figueroa, also known as  
John Doe,  
Defendant-Appellant.

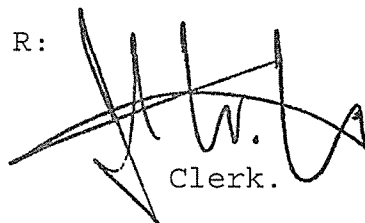
-----X

Defendant-appellant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 11, 2009,

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

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of the Application of  
Cynthia Lowney,  
Petitioner-Appellant,

-against-

M-3370  
Index No. 108754/07

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

-----X

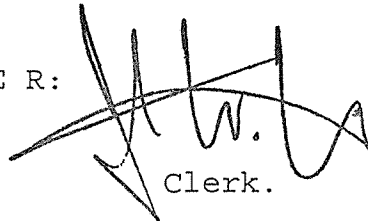
An appeal having been taken by petitioner-appellant from the order of the Supreme Court, New York County, entered on or about October 10, 2007 (mot. seq. nos. 001, 002 and 003),

And respondents-respondents having moved for an order striking pp. A-150 to A-181 from petitioner-appellant's brief on the grounds that it contains material de hors the record, 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 appellant to physically remove pp. A-150 through A-181 inclusive within 10 days of service upon appellant of a copy of this order, which respondent is directed to effect within 10 days of the date of entry hereof.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----x  
Jonas Macedo,  
Plaintiff-Appellant,

-against-

M-3522

J.D. Posillico, Inc.,  
Defendant-Respondent,

Index No. 108316/06

URS Corporation,  
Defendant.

- - - - -  
J.D. Posillico, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

Index No. 85262/06

Carabie Corp.,  
Third-Party Defendant-Respondent.  
-----x

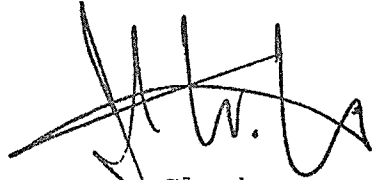
Appeals having been taken to this Court from orders of the Supreme Court, New York County, entered on or about August 14, 2008 (mot. seq. no. 004) and June 26, 2009 (mot. seq. no. 007), respectively,

And plaintiff-appellant having moved for a stay of trial pending hearing and determination of the appeals,

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

It is ordered that the motion is granted.

ENTER:

  
Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on August 25, 2009. .

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Kenneth Deriggi,  
Plaintiff-Respondent,

-against-

M-3576  
Index No. 104300/07

Edward Brady, 199 Bowery Rest.  
Group, LLC, etc., Nancy Brady,  
Pasta & Potatoes, Inc., and  
52 Restaurant Group Corp.,  
Defendants-Appellants,

Mark Saad, John Lugano and Capital  
Diligence, Inc.,  
Defendants.

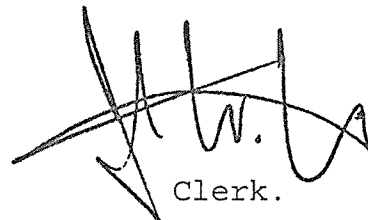
-----X  
The above-named defendants having taken appeals from the orders of the Supreme Court, New York County, entered on or about April 1, 2009 and July 2, 2009, respectively, and said appeals having been perfected for the October 2009 Term,

And defendants-appellants having moved for a stay of inquest, pending hearing and determination of the aforesaid appeals,

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

It is ordered that the motion is granted. The Clerk is directed to maintain the appeal on the calendar for hearing in said October 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 August 25, 2009.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Max Pellegrini and Roberta Pellegrini,  
Plaintiffs-Appellants,

-against-

M-3233  
Index No. 104117/08

Kelly Brock, also known as  
Kelly Pellegrini,  
Defendant-Respondent,

Enrico Pellegrini,  
Defendant.

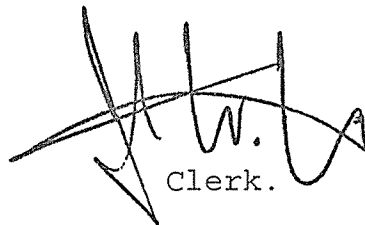
-----X

Plaintiffs-appellants having moved for a stay of all proceedings including the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 12, 2009,

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 in the County of New York on August 25, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X  
Kristina Teichman,

Plaintiff-Respondent,

-against-

M-3335  
Index No.310316/06

Boris Teichman,

Defendant-Appellant.  
-----X

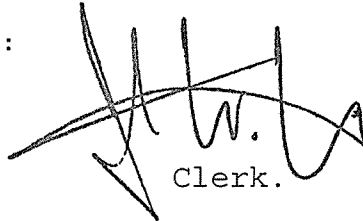
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 31, 2008 (mot. seq. no. 008)

And defendant-appellant having moved for a stay of the underlying divorce proceedings, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Roselyn H. Richter, Justices.

-----X  
Calogero Logiudice,  
Plaintiff-Respondent,

-against-

M-3514  
Index No. 313093/07

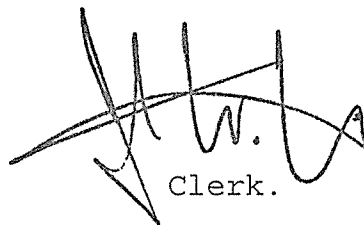
Adele Logiudice,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an order staying and restraining plaintiff-respondent from filing a proposed judgment of divorce pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 3, 2009 (mot. seq. no. 002),

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

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court, dated July 29, 2009, is hereby vacated.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
IRB-Brasil Resseguros S.A.,  
Plaintiff-Appellant,

-against-

M-3504  
Index No. 604013/06

Eldorado Trading Corporation Ltd.,  
et al.,  
Defendants-Respondents.  
-----X

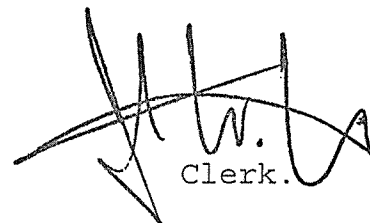
Appeals having been taken from the order of the Supreme Court, New York County, entered on or about October 1, 2008 and from the judgment of said Court, entered on or about June 9, 2009,

And plaintiff-appellant having moved for consolidation of the aforesaid appeals and for an enlargement of time in which to perfect said appeals,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals. The time in which to perfect the consolidated appeals is enlarged 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 August 25, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

Christine W.,  
Petitioner-Respondent,

M-3571  
Docket No. F676/00

-against-

Adrian B.,  
Respondent-Appellant.

-----X  
An appeal having been taken from the order of the Family Court, New York County, entered on or about July 20, 2007,

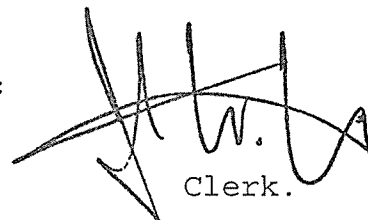
And an order of this Court having been entered on June 30, 2009 (M-1898) inter alia striking the appeal from the calendar with leave to re-file for the October 2009 Term,

And respondent-appellant father having moved for a further enlargement of time in which to perfect the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before October 5, 2009 for the December 2009 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Berta Poberesky,  
Plaintiff-Appellant-Respondent,

-against-

M-3556  
Index No. 350506/05

Lev Poberesky,  
Defendant-Respondent-Appellant.

-----X

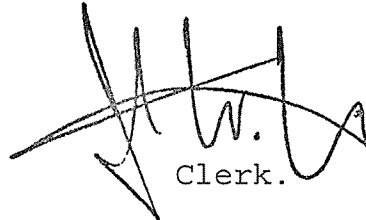
An appeal and cross appeal having been taken from the judgment of divorce of the Supreme Court, New York County, entered on or about May 23, 2008,

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

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

Ordered that the motion is granted to the extent of enlarging the time of the respective parties in which to perfect the appeal and cross appeal to the December 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 August 25, 2009.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,  
David B. Saxe  
Eugene Nardelli  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Keiwan Sital,  
Plaintiff-Respondent,

-against-

M-1985  
Index No. 7058/03

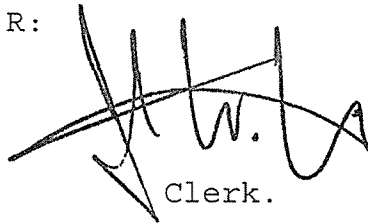
The City of New York,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 10, 2009 (Appeal Nos. 25, 26 and 26A),

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 August 25, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Juan De La Rosa,  
Plaintiff-Appellant,

-against-

M-2938  
Index No. 7464/05

Augusto Salazar, et al.,  
Defendants-Respondents.

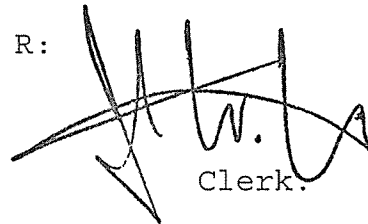
-----X

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Sonya Cumberbatch,  
Plaintiff-Appellant,

-against-

M-2991  
Index No. 23641/06

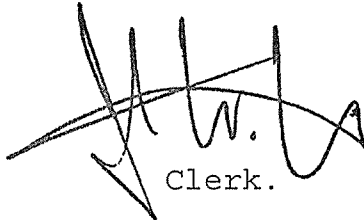
Yaque Luxury Transportation, Inc.  
and Mohamed Moctar-Nech,  
Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 29, 2008,

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

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

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 August 25, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Donna Adams,  
Plaintiff-Appellant,

-against-

M-3035  
Index No. 17732/06

Mustapha Njie, Jose Vega and  
Mexicali Car Service,  
Defendants-Respondents.

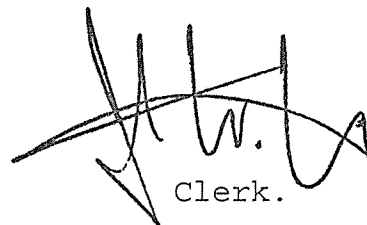
-----X

Defendants-respondents Vega and Mexicali Car Service having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about September 15, 2008,

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

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

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 August 25, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of the Application of  
Nadine Bey,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

M-3070  
Index No. 402765/08

-against-

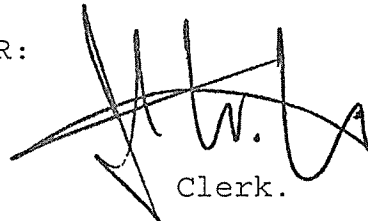
New York City Housing Authority,  
Respondent-Respondent.  
-----X

Respondent-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about April 3, 2009 (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 and the appeal is dismissed.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justice.

-----X  
In the Matter of the Application of  
Mamie Griffin,  
Petitioner,

For a Judgment Pursuant to Article 78 M-3069  
of the Civil Practice Law and Rules, Index No. 400516/08

-against-

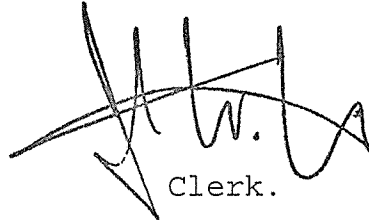
New York City Housing Authority,  
General Grant Houses,  
Respondent.

-----X  
Respondent New York City Housing Authority having moved for dismissal of the Article 78 proceeding transferred to this Court by an order of the Supreme Court, New York County, entered on or about September 10, 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 and the proceeding is dismissed.

ENTER:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Timothy M., also known as  
Timothy B. and  
Timesha Samantha B.,

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

-----  
Administration for Children's Services, M-2923  
et al., Docket Nos. B5298/07  
Petitioners-Respondents, B5299/07

Timothy B.,  
Respondent-Appellant.

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

-----X

Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, New York County, both entered on or about April 13, 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, Howard Simms, Esq., 295 Greenwich St., 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 City of New York from funds available therefor<sup>1</sup> 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 the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

E N T E R:



Clerk.

---

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3113  
Ind. No. 3773/06

Tyheem Smith,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about June 9, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

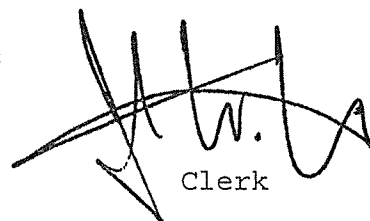
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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, Tel. No. 212-577-2523, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

Enter:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3130  
Ind. No. 5498/99

Seneca Tribble, also known as  
Jonathan Marshall,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about May 20, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

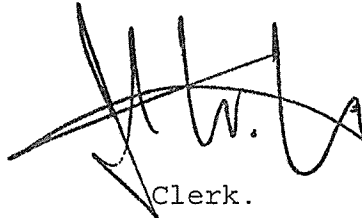
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Tel. No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R :

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3153  
Ind. No. 7537/02

Alvaro Cumberbatch,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 10, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

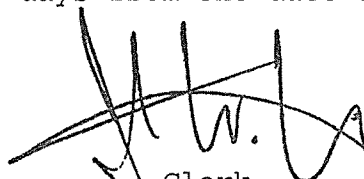
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 August 25, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3169  
Ind. No. 3169/08

Luis Almonte,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about February 25, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

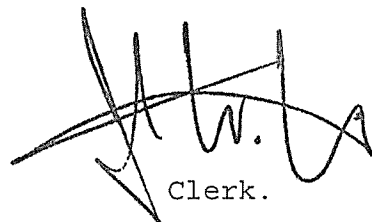
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 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.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
John T. Buckley  
Karla Moskowitz  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

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

-against-

M-3240  
Ind. No. 3092/08

Ezequiel Brito,  
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 March 20, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

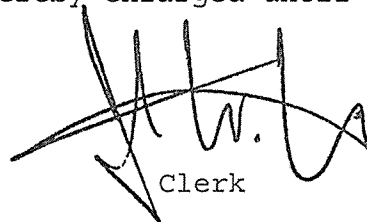
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 August 25, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Dana N. Escoffier,  
Plaintiff-Appellant,

-against-

M-3047  
Index No. 403105/08

Department of Housing and Community  
Renewal,  
Defendant-Respondent.

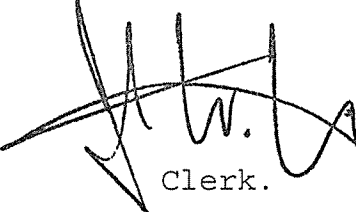
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 3, 2009 (mot. seq. no. 001), for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

E N T E R:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Carlos Figueroa,  
Claimant-Appellant,

M-3145  
Court of Claims  
Claim No. 112854

-against-

State of New York,  
Defendant-Respondent.

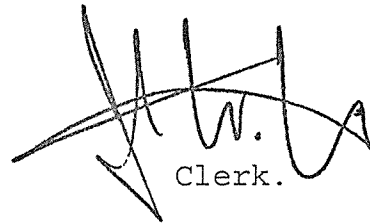
-----X

Claimant-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Court of Claims of the State of New York, entered on or about January 16, 2009 [Court of Claims Motion Nos. M-72645, M-73620, M-73848, M-74265 and CM-72938], 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.

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 August 25, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3157  
Ind. No. 6140/07

Loren Mackie,  
Defendant-Appellant.

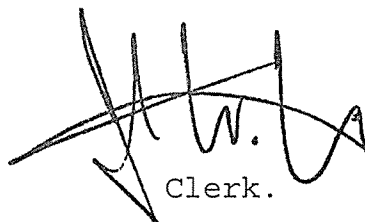
-----X

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 22, 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(a), setting forth the amount and sources of funds to pay the fee of trial counsel, Gilbert Parris, Esq., and to post the \$75,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Brad Bonaparte,  
Plaintiff-Respondent,

-against-

M-3297  
Index No. 8241/04

Target Stores, Inc., et al.,  
Defendants-Respondents.

-----X  
Kingsbridge Associates, LLC,  
et al.,  
Third-Party Plaintiffs-Respondents,

-against-

Third-Party  
Index No. 85028/06

Amthor Steel, Inc., et al.,  
Third-Party Defendants-Respondents,

Westchester Fire Insurance Co.,  
Third-Party Defendant-Appellant.

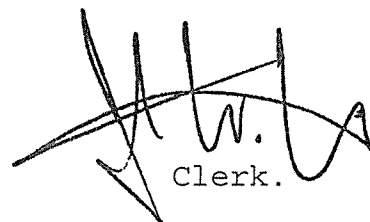
-----X

Third-party defendant-appellant, Westchester Fire Insurance Co., having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about September 26, 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 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 August 25, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Suzanne Kelley,  
Plaintiff-Appellant,

-against-

838 Greenwich Street Corp.,  
Defendant-Respondent.

M-3310  
Index No. 115962/07

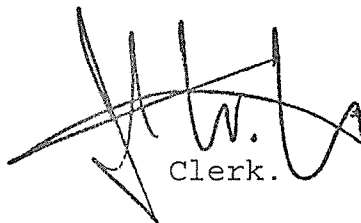
-----X

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 19, 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 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 August 25, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Myisha B.,

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

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

Darryl B.,  
Respondent-Appellant.

M-3241  
Docket Nos. NA290/08  
NN290/08

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

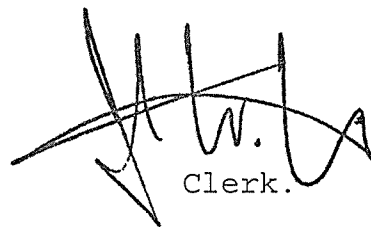
-----X

Respondent-appellant father having moved for an enlargement of time in which to perfect the consolidated appeals from the orders of the Family Court, New York County, entered on or about June 3, 2008 and November 13, 2008, respectively,

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

Ordered is granted to the extent of enlarging the time in which to perfect the consolidated appeals to on or before October 5, 2009 for 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 August 25, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
Mariusz Labecki,

Plaintiff-Appellant,

-against-

West Side Equities, LLC, et al.,

Defendants-Respondents.  
-----X

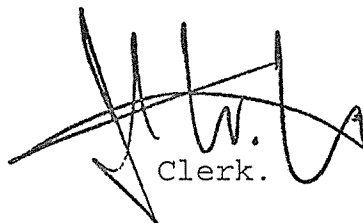
M-3086  
Index No. 114347/06

Plaintiff-appellant having moved for consolidation of the appeals taken from the order of the Supreme Court, New York County, entered on or about February 11, 2009 and from the judgment of said Court, entered on or about June 1, 2009,

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 appellant to prosecute the consolidated appeals upon 10 copies of one record and of one set of appellant's points covering the appeals.

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 August 25, 2009.

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

-----X  
The 55th St. Mark's Place Real Estate  
Holding Company, Inc.,  
Petitioner-Respondent,

-against-

M-1039  
Index No. 570433/07

Jim Martin,  
Respondent-Appellant.

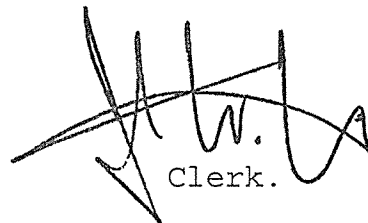
-----X

Respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 18, 2008,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
Gary Suson,  
Plaintiff-Appellant,

-against-

M-2555  
Index No. 570349/08

NYP Holdings, Inc., et al.,  
Defendants-Respondents.

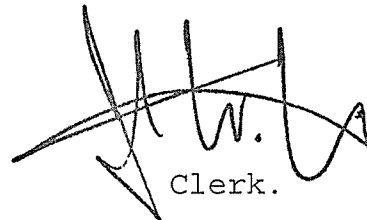
-----X

Plaintiff having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about February 20, 2009,

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 August 25, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
B & B Manhattan, LLC,  
Petitioner-Landlord-Appellant,

-against-

M-2953  
Index No. 570928/07

Petezi Sack,  
Respondent-Tenant-Cross-Appellant,

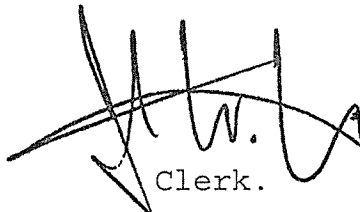
Graham Alexander Sack,  
"John Doe" and "Jane Doe;"  
Respondents.

-----X  
Petitioner-landlord-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 31, 2009,

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 August 25, 2009.

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

-----X  
The State of New York, et al.,  
Plaintiffs,

-against-

Phillip Morris Incorporated, et al.,  
PM Defendants-Respondents,

RJR Nabisco Holdings Corp., et al.,  
PM-Defendants,

M-2587  
Index No. 400440/07

Carolina Tobacco Company; et al.,  
NPM Defendants-Appellants,

Alternative Cigarette, Inc., et al.,  
NMP Defendants,

Senecan Cayuga Nation, et al.,  
Native American Defendants.

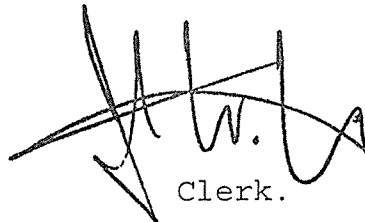
-----X

NPM defendants-appellants Seneca-Cayuga Tribal Tobacco Corporation, Smokin Joes and Dosal Tobacco Corporation having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 23, 2009 (Appeal No. 250N),

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 August 25, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3226  
Ind. No. 5288/04

Boris Teichman,  
Defendant-Appellant.

-----X  
An order of this Court having been entered on October 17, 2006 [M-4754], assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about June 26, 2006, and said appeal having been perfected,

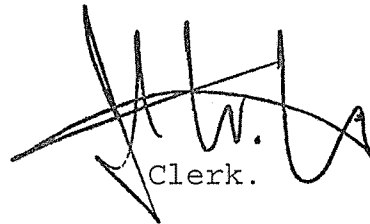
And an order of this Court having been entered June 11, 2009 [M-2216] denying defendant's motion to relieve the aforesaid assigned counsel and for alternative relief,

And defendant having moved for reargument of the order of this Court entered on June 11, 2009 [M-2216],

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 August 25, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3260  
Ind. No. 6326/97

Valentin Palacio, also known as  
Valentin Palacios,

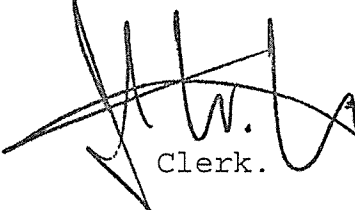
Defendant.  
-----X

Defendant having moved for leave to file an untimely notice of appeal from a pre-judgment conviction of the Supreme Court, New York County, dated March 16, 1998, 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 subsequent to the rendering of a judgment of sentence in Supreme Court, New York County.

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 August 25, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Dianne T. Renwick  
Leland G. DeGrasse  
Sheila Abdus-Salaam, Justices.

-----X  
In the Matter of

Joshua W.,

A Dependent Child under 18 Years  
of Age to be Neglected.

-----  
Administration for Children's Services,  
et al.,  
Petitioners-Respondents,

M-3410  
Docket No. NN7043/09

Joslyn W.,  
Respondent-Appellant.

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

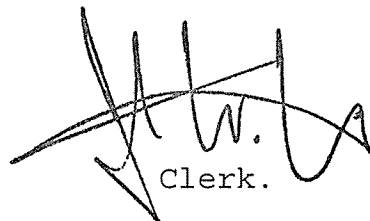
-----X

Respondent-appellant mother having moved, pursuant to CPLR 5704(a), for a hearing in which a Justice of the Family Court, Bronx County, declined to sign petitioner's order to show cause dated July 13, 2009, for said 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 to the extent it seeks relief pursuant to CPLR 5704(a) is denied, without prejudice to an application before the Family Court for a preference in the hearing.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 25, 2009.

Present - Hon. David Friedman, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Leland G. DeGrasse, Justices.

-----x  
A1 Entertainment LLC,  
Plaintiff-Appellant-Respondent,

-against-

M-1635  
Index No. 104271/08

27<sup>th</sup> Street Property LLC, et al.,  
Defendants-Respondents-Appellants.  
-----x


A decision and order of this Court having been entered on March 17, 2009 (Appeal No. 97N), unanimously modifying the order of the Supreme Court, New York County (Marilyn Shafer, J.), entered on August 21, 2008,

And plaintiff-appellant-respondent having moved for reargument of the aforesaid decision and order, and for a stay of proceedings in Civil Court of the City of New York, New York County, in a commercial landlord and tenant case entitled *27<sup>th</sup> Street Property LLC v A1 Entertainment*, Index No. 75487/08, and *27<sup>th</sup> Street Property, LLC v 27<sup>th</sup> Street Lessee LLC and A1 Entertainment*, Index No. 75488/08, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated July 17, 2009, and due deliberation having been had thereon,

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

ENTER:

  
Clerk

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

BEFORE: Hon. JAMES M. MCGUIRE  
Justice of the Appellate Division

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

Respondent,

M- 3373  
Ind. No. 95063/2005

-against-

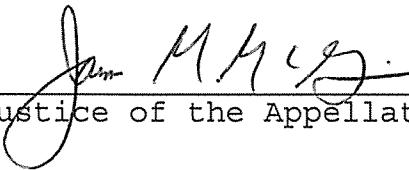
CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

GREGORY TAYLOR,  
Defendant-movant.

-----x

I, JAMES M. MCGUIRE, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein\* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named movant to appeal to the Court of Appeals.

  
Justice of the Appellate Division

Dated: July 21, 2009  
New York, New York

ENTERED: **AUG 25 2009**

\*Description of Order:

Judgment, Supreme Court, Bronx County, entered on April 21, 2006. App. Div., First Dept., Appeal No. 4503, affirmed judgment on May 28, 2009.

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Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

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

BEFORE: Hon. KARLA MOSKOWITZ  
Justice of the Appellate Division

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

M-2997  
Ind. No.1707/1997

-against-

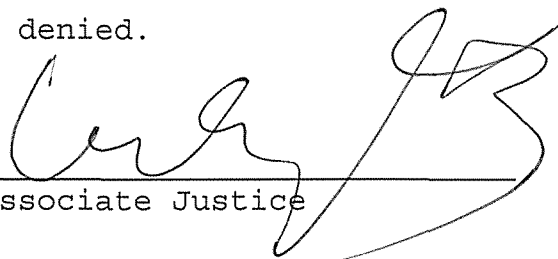
CERTIFICATE  
DENYING LEAVE

George Mims

Defendant.

-----X

I, Karla Moskowitz, 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 that 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 April 29, 2009 is hereby denied.

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

Dated: 8 / 4 , 2009  
New York, New York

ENTERED: AUG 25 2009



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

BEFORE: Hon. KARLA MOSKOWITZ  
Justice of the Appellate Division

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

M-3014  
Ind. No. 9264/95  
9209/95  
12897/91

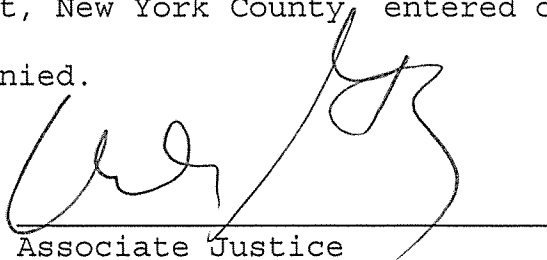
-against-


CERTIFICATE  
DENYING LEAVE

Sean Thomas

Defendant.

-----X  
I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application 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 2, 2009 is hereby denied.

  
Associate Justice

Dated: , 2009  
New York, New York

ENTERED: **AUG 25 2009**

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 – 3350  
Indictment. No. 2765/07

-against-

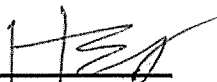
CERTIFICATE  
DENYING LEAVE

JENNIFER WILKOV,

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 the Criminal Procedure Law §§ 450.15 & 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 July 1, 2009 is hereby denied.

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

Dated: August 18, 2009  
New York, New York

ENTERED: **AUG 25 2009**

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

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

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

M-3020  
Ind. No. 9173/90

-against-

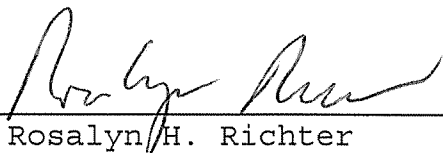
CERTIFICATE  
DENYING LEAVE

Richard Shaw

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon the application 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 May 21, 2009, is hereby denied.

  
\_\_\_\_\_  
Hon. Rosalyn H. Richter

Dated: August 11, 2009  
New York, New York

ENTERED: **AUG 25 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 August 18, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Amazon.com, LLC and Amazon Services,  
LLC,  
Plaintiffs-Appellants,

-against-

M-3582  
Index No. 601247/08

New York State Department of  
Taxation and Finance, et al.,  
Defendants-Respondents.

-----X  
Overstock.com, Inc.,  
Plaintiff-Appellant,

-against-

Index No. 107581/08

The New York State Department of  
Taxation and Finance, et al.,  
Defendants-Respondents.

-----X

An appeal having been taken by plaintiffs-appellants Amazon.com, LLC and Amazon Services, LLC (under Index No. 601247/08) from the order of the Supreme Court, New York County, entered on or about January 13, 2009 (mot. seq. no. 003), and an appeal having been taken by plaintiff-appellant Overstock.com, Inc. (under Index No. 107581/08) from the order of said Court entered on or about January 15, 2009 (mot. seq. no. 001),

And defendants-respondents the New York State Department of Taxation and Finance, et al. having moved for leave to have the aforesaid appeals heard together, 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 respondents to respond to the appeals upon 10 copies of one oversize respondents' brief not to exceed 90 pages to be served and filed on or before September 16, 2009 for the October 2009 Term, to which Term the appeal is adjourned and for which Term the Clerk is directed to calendar said appeals for hearing together. Plaintiff(s)-appellant(s)' reply briefs to be served and filed on or before September 30, 2009.

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.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of Probate Proceeding

Will of Julia Elizabeth Taschereau,  
Deceased

-----  
Elizabeth Combier, M-3597  
Proponent-Appellant, File No. 1042/98

-against-

Julia Danger,  
Objectant-Respondent.

-----X

Proponent-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Surrogate's Court, New York County, entered on or about July 17, 2009,

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 August 18, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalynd H. Richter, Justices.

-----X  
Finkelstein Newman Ferrara, formerly  
known as Finkelstein Newman LLP,  
Plaintiff-Respondent,

-against-

M-3390  
Index No. 101631/07

Leo Manning,  
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 11, 2008 (mot. seq. no. 001), and said appeal having been perfected for the September 2009 Term,

And plaintiff-respondent having moved for leave to file a supplemental record on appeal to include documents annexed to the moving papers as Exhibits 1 and 2,

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

It is ordered that the motion is granted to the extent that plaintiff-respondent is directed to file 10 copies of Exhibits 1 and 2 to the moving papers as an exhibit to the record on appeal forthwith.

E N T E R:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 18, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Jumax Associates,  
Plaintiff-Respondent, M-3151  
-against- M-3516  
M-3505  
Index No. 603954/02  
350 Cabrini Owners Corp.,  
Defendant-Appellant.  
-----X

An order of this Court having been entered May 7, 2009 (M-1390), inter alia enlarging defendant-appellant's time in which to perfect the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 26, 2008, to the September 2009 Term,

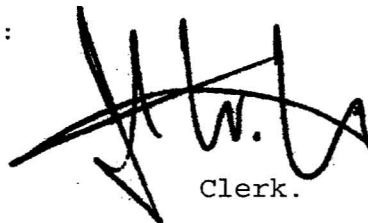
And, defendant-appellant having moved by separate motions for a further enlargement of time in which to perfect the aforesaid appeal (M-3151) and to vacate the ex parte dismissal relief afforded plaintiff-respondent in the aforesaid order of this Court entered May 7, 2009 (M-3516),

And, plaintiff-respondent having cross moved to dismiss the aforesaid appeal (M-3505),

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

It is ordered that the motions are granted to the extent of enlarging the time in which to perfect the aforesaid appeal to the December 2009 Term with no further enlargements to be granted. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof. The cross-motion to dismiss the appeal is granted to the extent indicated.

ENTER:

  
Clerk.