

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

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

-----X
The Bank of New York Trustee Under
The Pooling and Servicing Agreement
Series 1995L c/o GMAC Mortgage
Corporation 3451 Hammond Avenue,
Waterloo, IA 50704,
Plaintiff-Respondent,

M-5
Index No. 18413/05

-against-

Raquel White, Esq., Heir of the
Estate of Delma Allen Reid, etc.,
et al.,
Defendants-Appellants,

New York City Environmental
Control Board, et al.,
Defendants.

-----X

Appellants having moved to withdraw the appeal taken from an order of the Supreme Court, Bronx County, entered on or about September 26, 2007,

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

It is ordered that the appeal is deemed withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

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

-----X
Yvette Fry Inc.,
Plaintiff-Appellant,

-against-

M-359X
Index No. 603677/07

Susan Testaccio, et al.,
Defendants-Respondents.

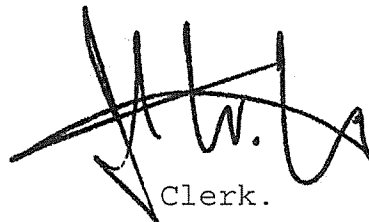
[And another action]
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 10, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 23, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 February 3, 2009.

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

-----X
Audrey McCullough,
Plaintiff-Respondent,

-against-

M-366X
Index No. 6845/05

Jai Mata Di Ltd. and Friendly
Motor Inn,
Defendants-Appellants,

Roger M. Foster, Inc.,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 8, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 21, 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 February 3, 2009.

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

-----X
Omar Ruiz,
Plaintiff-Respondent,

-against-

M-367X
Index No. 300866/07

Elina M. Breton and Carlos Breton,
Defendants-Appellants,

Tri Plus Construction Corp.,
Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 23, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 21, 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 February 3, 2009.

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

-----X
CMG Vending Enterprises, Inc.,
Petitioner-Respondent,

-against-

M-368X
Index No. 600387/08

17 John Rest. Corp., doing business
as John Street Bar & Grill, et al.,
Respondents-Appellants.

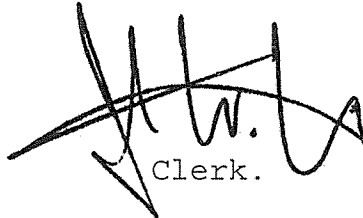
-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about July 2, 2008 (mot. seq. no. 001) and from the judgment of said Court entered on or about July 24, 2008, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 22, 2009, and due deliberation having been had thereon,

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

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

-----X
Sidney Mason,
Plaintiff-Respondent,

-against-

M-369X
Index No. 108658/07

No. 5 Times Square Development LLC,
et al.,
Defendants,

A&L Recycling, Inc., A&L Cesspool
Service Corp., doing business as A&L
Recycling,
Defendants-Appellants.

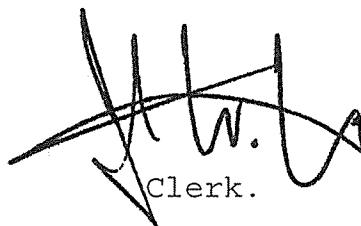
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 13, 2008 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 22, 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 February 3, 2009.

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

-----X

Parkash Nahar, et al.,

Plaintiffs-Appellants,

-against-

M-370X

Index No. 100274/05

Belvedere Houses Incorporated,

Defendant-Respondent.

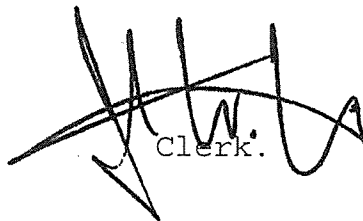
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 17, 2008 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 22, 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 February 3, 2009.

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

-----X
Israel Reynoso, Freddy Sanchez
and David Mothe,
Plaintiffs-Respondents,

-against-

M-303
Index No. 24636/05

A&F Cab Corp. and Charles Kesse,
Defendants-Appellants,

-and-

Courier Car Rental, Inc., Murakami
Kazuhiro and Zazou Productions,
Defendants.

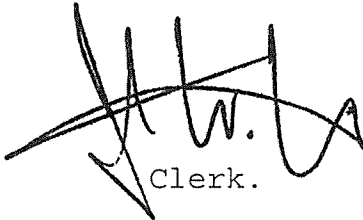
-----X

An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about July 8, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated October 2, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 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 February 3, 2009.

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

-----X
In the Matter of the Application of
Chanda Clemons,
Petitioner,

For a Judgment Pursuant to Article 78 M-304
of the Civil Practice Laws and Rules, Index No. 400476/07

-against-

Tino Hernandez, as Chair of the New
York City Housing Authority and
the New York City Housing Authority,
Respondents.

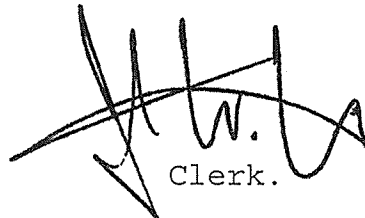
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 9, 2007 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, filed December 31, 2008, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the February 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 February 3, 2009.

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

-----X
Frances Gattuso, et al.,
Plaintiffs-Respondents,

-against-

M-382
Index No. 103764/07

New York City Transit Authority,
et al.,
Defendants-Appellants.

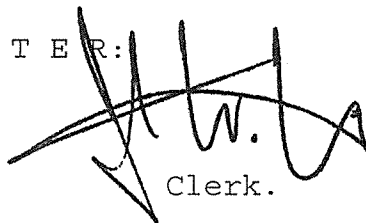
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 10, 2008 (mot. seq. no. 002),

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

Ordered that the appeal, previously perfected for the February 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 February 3, 2009.

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

-----X
In the Matter of the Application of
Hugh Wyatt, and Dr. R. Chester Redhead,
Individually,
Petitioners-Respondents,

-against-

M-131
Index No. 602299/08

Inner City Broadcasting Corporation,
Respondent-Appellant,

Inner City Media Corporation, et al.,
Respondents.

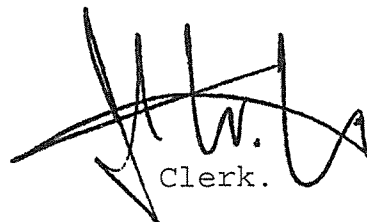
-----X
An appeal having been taken from the orders of the Supreme Court, New York County, entered on or about September 22, 2008 (mot. seq. no. 001) and October 17, 2008 (mot. seq. no. 002),

And petitioner-respondent Hugh Wyatt having moved for an extension of time in which petitioners may file responding brief(s) herein,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated January 14, 2009 and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn and the appeal is adjourned to the April 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 February 3, 2009.

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

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

-against-

M-111
Ind. No. 2474/08

Raymond Bennett,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 18, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

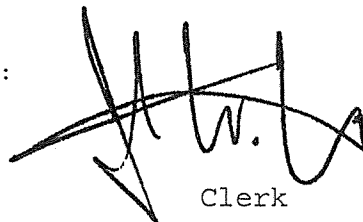
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on February 3, 2009.

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

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

-against- M-112
Ind. No. 2862/02

Henry Capers,
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 December 12, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

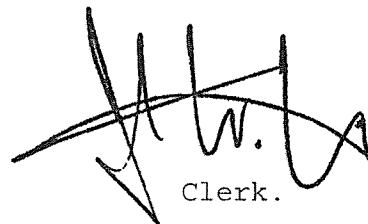
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 February 3, 2009.

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

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

-against-

M-115
Ind. No. 1018/08

David Cruz,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 22, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

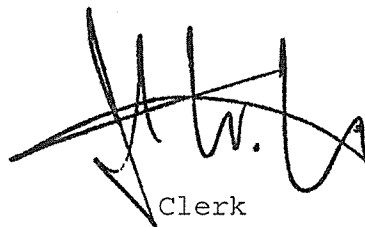
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on February 3, 2009.

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

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

-against-

M-116
Ind. Nos. 2193/07
3611/07

Mario Gordon,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 30, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

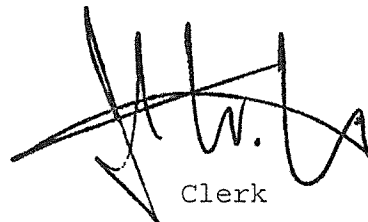
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on February 3, 2009.

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

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

-against-

M-117
Ind. No. 3152/06

Alford Horsford,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about October 15, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

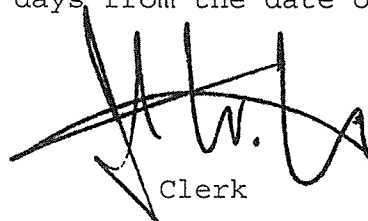
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on February 3, 2009.

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

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

-against-

M-119
Ind. No. 4032/04

Shoshanna Morgan,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 30, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

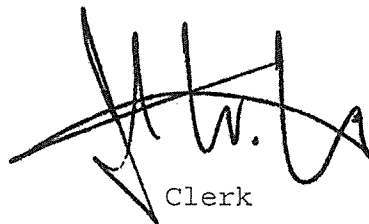
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on February 3, 2009.

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

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

-against-

M-120
Ind. No. 5698/07

Elminio Ortiz,
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 December 23, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on February 3, 2009.

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

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

-against- M-121
Ind. No. 2155/03

George Pantoja,
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 December 1, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

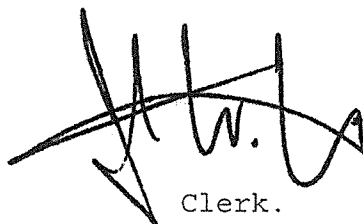
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record 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, 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 February 3, 2009.

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

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

-against-

M-122
Ind. No. 1999/07

Li-Chieh Pao,
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 September 30, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

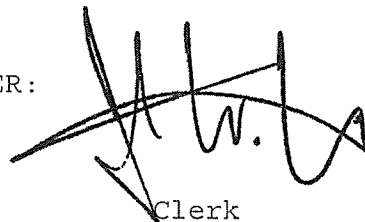
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on February 3, 2009.

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

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

-against-

M-123
Ind. No. 305/08

Julius Simms,
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 December 17, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

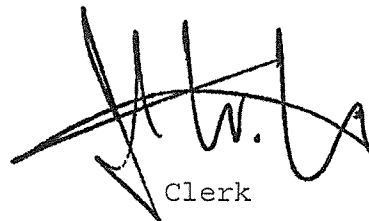
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on February 3, 2009.

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

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

-against- M-124
Ind. No. 4855/07

Leron Smith, also known as L. Smith,
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 December 22, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

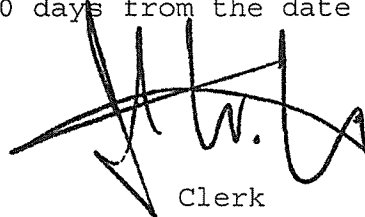
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on February 3, 2009.

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

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

-against-

M-125
Ind. No. 6214/03

Tyrone Wilson,
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 December 18, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

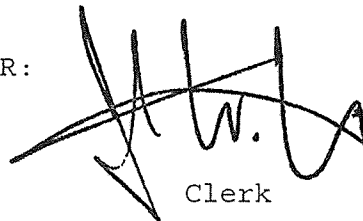
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on February 3, 2009.

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

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

-against-

M-130
Case No. 59103C/08

Jasmine Vickers,
Defendant-Appellant.

-----X

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

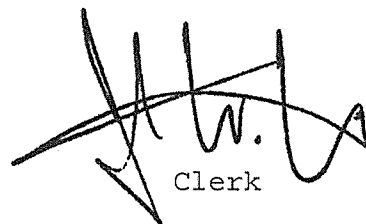
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on February 3, 2009.

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

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

-against-

M-133
Case No. 43314C/05

Damon Smith, also known as
Damon A. Smith,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 12, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

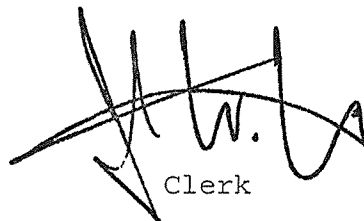
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
Dianne T. Renwick, Justices.

-----X
Benedetto Lamarca, et al.,
Plaintiffs-Respondents,

-against-

M-6032
Index No. 601973/04

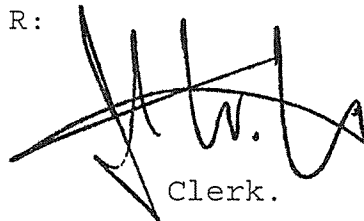
The Great Atlantic and Pacific Tea
Company, Inc., doing business as
A&P, The Food Emporium and Waldbaum's,
Defendants-Appellants.
-----X

Defendants-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 30, 2008 (Appeal No. 4451N),

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 February 3, 2009.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David B. Saxe
John W. Sweeny, Jr.
Leland G. DeGrasse, Justices.

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

-against-

M-6131
Index No. 604080/05

Linda Merritt, etc.,
Defendant-Respondent.

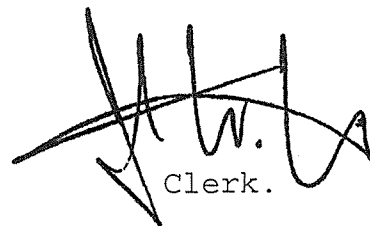
-----X

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 November 25, 2008 (Appeal No. 4365N),

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 February 3, 2009.

Present - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson
Leland G. DeGrasse, Justices.

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

-against-

M-5386
Ind. No. 9/05

Ricardo Calderon,
Defendant-Appellant.

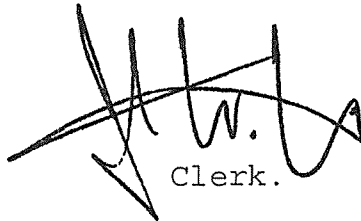
-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 7, 2008 (Appeal No. 4198),

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 February 3, 2009.

Present - Hon. Jonathan Lippman, Presiding Justice,
John W. Sweeny, Jr.
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In re Stephanie Bradford,
Petitioner-Respondent,

-against-

M-6113
Index No. 111044/05

New York City Department of Correction,
Respondent-Appellant.

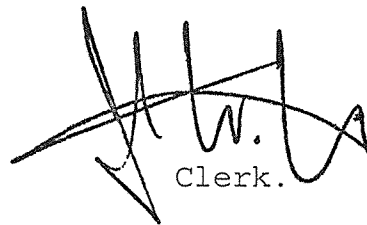
-----X

Petitioner-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 13, 2008 (Appeal No. 4532),

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 February 3, 2009.

Present - Hon. Jonathan Lippman, Presiding Justice,
John W. Sweeny, Jr.
James M. Catterson
Rolando T. Acosta
Dianne T. Renwick, Justices.

-----X
In re Lou-Ann Elias, etc.,
Petitioner,

-against-

M-5785
Index No. 109782/07

Raymond Kelly, as Police Commissioner
of the City of New York, et al.,
Respondents.

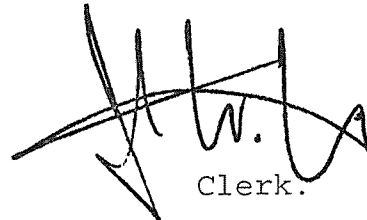
-----X

Petitioner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 13, 2008 (Appeal No. 4523),

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 February 3, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzaelli
John T. Buckley
Dianne T. Renwick, Justices.

-----X
Savatree Toolsie,
Plaintiff-Appellant,

-against-

M-5657
Index No. 23204/06

New York City Transit Authority, et al.,
Defendants-Respondents.

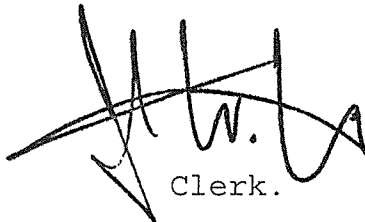
-----X

Defendant-respondent New York City Transit Authority having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 30, 2008 (Appeal No. 4433),

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 February 3, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
David B. Saxe
John W. Sweeny, Jr.
Leland G. DeGrasse, Justices.

-----X
Santorini Equities,
Petitioner-Landlord-Respondent,

-against-

Francisco Picarra,
Respondent-Tenant-Appellant,

M-4480
M-4676
Index No. 570135/07

-and-

Raquel L. Picarra, et al.,
Respondents-Undertenants-Appellants.

-----X

Respondent-tenant-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 April 23, 2008, and for a stay of eviction proceedings pending hearing and determination of the appeal (M-4480),

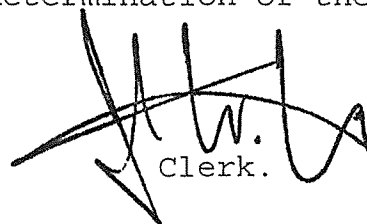
And petitioner-respondent having cross-moved for an order directing respondent-appellant to post an undertaking, and related relief (M-4676),

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

It is ordered that the motion is granted. Appellant shall file two copies of the pre-argument statement and of this order with the Clerk of the Appellate Term with proof of service, pursuant to Section 600.17 of the Rules of this Court (M-4480),

It is further ordered that the cross motion is granted only to the extent of continuing respondent's use and occupancy obligation pending hearing and determination of the appeal and is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
Dianne T. Renwick, Justices.

-----X
Charles DeMartino,
Plaintiff,

-against-

M-6012
Index No. 105836/01

Metropolitan Life Insurance Company,
et al.,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 29, 2007 (mot. seq. no. 004),

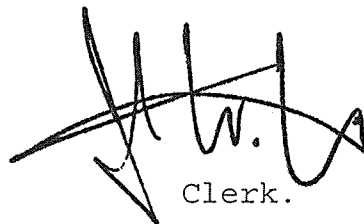
And an order of this Court having been entered on November 18, 2008 (M-4688), inter alia dismissing the aforesaid appeal,

And plaintiff having moved to reargue said order of this Court or for renewal of the aforesaid appeal, to seal the moving papers herein, 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, to the extent it seeks reargument/renewal, is denied. So much of the motion which seeks to seal the moving papers herein is granted. The Clerk is directed to file said moving papers **under seal**.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

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

-----X
Arthur Morrison,
Plaintiff,

-against-

Thomas F.X. Dunn,
Defendant.

M-49
Index No. 404055/02

-----X

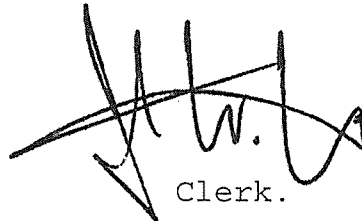
An order of this Court having been entered on November 18, 2008 (M-4422) dismissing the appeal taken by plaintiff from the order of the Supreme Court, New York County, entered on or about November 14, 2006,

And plaintiff having moved for reargument of the aforesaid order,

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 February 3, 2009.

Present - Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. McGuire
Karla Moskowitz
Helen E. Freedman, Justices.

-----X
TMB Communications, Frank Mitchell and
Janice Mitchell,
Plaintiffs-Respondents,

-against-

John J. Preefer,
Defendant-Appellant.

- - - - -
John J. Preefer,
Third-Party Plaintiff-Appellant,

M-70
Index No. 108715/06

-against-

John B. DiChiara,
Third-Party Defendant-Respondent.

-----X

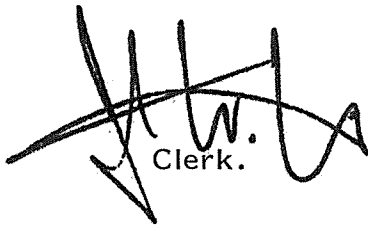
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about October 31, 2008 (mot. seq. no. 001), and said appeal having been perfected,

And defendant/third-party plaintiff-appellant having moved for a stay of trial pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. McGuire
Karla Moskowitz
Helen E. Freedman, Justices.

-----x
Darya A. Donnelly, as Administrator of
the Estate of Timothy P. Donnelly,
Plaintiff-Respondent/Respondent,

-against-

M-6146
Index No. 114310/99

The Treeline Companies, doing business
as Treeline Management and Treeline
Boro Hall, LLC,
Defendants-Appellants,

-and-

Commercial Building Maintenance
Corp.,
Defendant-Appellant.

-----x
Commercial Building Maintenance Corp.,
Third-Party Plaintiff-Appellant,

-against-

Index No. 590132/00

Republic Elevator Corp.,
Third-Party Defendant-Appellant.

-----x
The Treeline Companies, doing business
as Treeline Management, Treeline Boro
Hall LLC,
Second Third-Party Plaintiffs-
Appellants,

-against-

Index No. 590387/00

Republic Elevator Corp.,
Second Third Party-Defendant-
Appellant.

-----x

An order of this Court having been entered on December 16, 2008 (M-4917/M-5301/M-5229) inter alia consolidating the respective appeals taken from the order of the Supreme Court, New York County, entered on or about January 15, 2008 (mot. seq. no. 008),

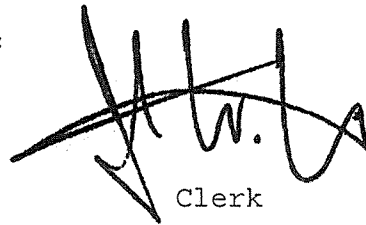
And the aforesaid consolidated appeals having been perfected for the April 2009 Term of this Court,

And defendant/third-party plaintiff, Commercial Building Maintenance Corp., having moved for leave to file a supplemental record on appeal to include Exhibit B to moving papers,

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 counsel for defendant/third-party plaintiff, Commercial Building Maintenance Corp., is directed to expeditiously serve and file 10 copies of a supplemental record on appeal with the Clerk of this Court.

E N T E R:

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

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 February 3, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. McGuire
Helen E. Freedman, Justices.

-----X
Carlton Long,
Plaintiff-Respondent,

-against-

M-6138
Index No. 120072/00

Beverly Folasade Sowande and
Sowande & Associates, P.C.,
Defendants-Appellants,

-and-

U-Haul Co. of New York and
Vermont, Inc., et al.,
Defendants-Respondents.

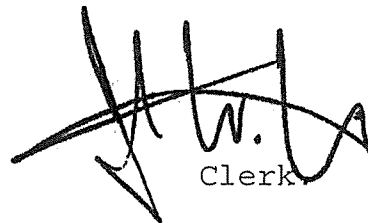
-----X

Defendants-appellants having moved for a further enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about November 30, 2007 (mot. seq. nos. 015 and 016),

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

Ordered that the motion is granted to the extent of enlarging appellants' time in which to perfect the appeal to on or before February 23, 2009 for the May 2009 Term. The stay of proceedings previously granted by order of this Court entered March 11, 2008 (M-302) is continued.

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 February 3, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-24
Ind. No. 4589/07

Nouchie Vellon,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about October 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,

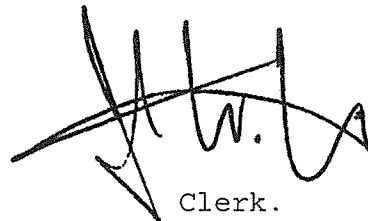
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 February 3, 2009.

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

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

-against-

M-4982
Case No. 04022C/07

Enrique Santiago,
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, Bronx County, rendered on or about June 9, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

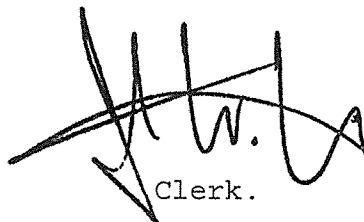
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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.

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 February 3, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-29
Ind. No. 6055/07

Sergio Garcia,
Defendant-Appellant.

-----X

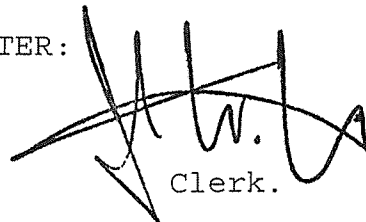
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about October 6, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John T. Buckley
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
In the Matter of

Ernestine L.,
Petitioner-Appellant,

M-6122
Docket No. V1950/07

-against-

New York City Administration
for Children's Services, et al.,
Respondents-Respondents.

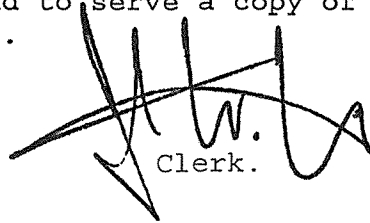
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about June 24, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Neal D. Futerfas, Esq., 50 Main Street, Suite 1000, White Plains, NY 10606, telephone No. 914-682-2171, as counsel, for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record, and to serve a copy of this order upon, the Clerk of the Family Court.

ENTER:


Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
In the Matter of the Liquidation of
Union Indemnity Insurance Company
of New York.

The Superintendent of Insurance of
the State of New York, as Liquidator
of Union Indemnity Insurance Company
of New York,
Plaintiff-Respondent,

M-6141
Index No. 401738/99

-against-

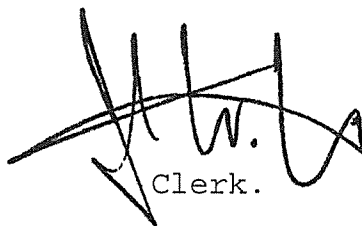
Robert A. Spira,
Defendant-Appellant.

-----X
Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about February 14, 2008,

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the May 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 February 3, 2009.

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

-----X
In the Matter of
Isabella Star G.,

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

M-103
Docket No. B12235/04

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

Elizabeth G.,
Respondent-Appellant,

Silvio G.,
Respondent-Appellant.

- - - - -
Fiordaliza Rodriguez, Esq.,
Law Guardian for the Child.
-----X

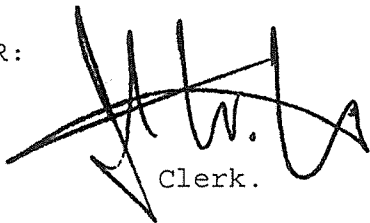
Appeals having been taken from the order of the Family Court, Bronx County, entered on or about July 2, 2007,

And respondent-appellant father, Silvio G., having moved for an enlargement of time in which to perfect his appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time of respondent-appellant father in which to perfect his appeal to the May 2009 Term; sua sponte, respondent-appellant mother's time in which to perfect her appeal is also enlarged to the May 2009 Term. The Clerk is directed to calendar the appeals for hearing together in said May 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 February 3, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
In the Matter of the Application of
Bernard Cherry,
Petitioner,

For a Judgment Pursuant to Article 78 of the CPLR, M-6147
Index No. 109938/07

-against-

Martin Horn, Correction Commissioner
of the New York City Department of
Correction and the City of New York,
Respondents.

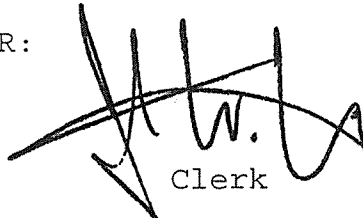
-----X
An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 23, 2008 (mot. seq. no. 001), to review a determination of respondents,

And petitioner having moved for an enlargement of time in which to perfect the aforesaid proceeding,

Now, upon reading and filing the papers with respect to said 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 said proceeding to the May 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 February 3, 2009.

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

-----X
Edward Hanley,
Plaintiff-Respondent,

-against-

M-165
Index No. 28084/01

NYP Holdings, Inc., doing business as
New York Post, The News Corporation,
Ltd.,
Defendants-Respondents,

McClier Corporation,
Defendant-Respondent-Appellant,

-and-

Hirani Engineering and Land Surveying,
P.C.,
Defendant-Appellant-Respondent.

-----X
McClier Corporation,
Third-Party Plaintiff-Respondent-
Appellant,

NYP Holdings, Inc., and The News
Corporation, Ltd.,
Third-Party Plaintiffs,

-against-

Third-Party
Index No. 83439/02

Fred Geller Electric and Safeway
Scaffolding
Third-Party Defendants,

Hirani Engineering and Land Surveying,
P.C.,
Third-Party Defendant-Appellant-
Respondent.

-----X
(And another action)

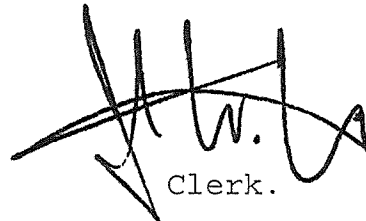
An appeal and a cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 5, 2007,

And defendant/third-party plaintiff-respondent-appellant, McClier Corporation, having moved for an order enlarging the record on appeal to include the affirmation in opposition of Noah Katz, dated December 23, 2006, annexed as Exhibit B to the moving papers, 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. Counsel for McClier Corporation is directed to immediately physically insert a copy of the aforesaid affirmation into each copy of the joint record on appeal heretofore filed and to correct the table of contents thereof to reflect the inclusion of the affirmation in 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 February 3, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----x
Seneca Insurance Company,
Plaintiff-Appellant,

-against-

Action No. 1
Index No. 602536/06

J.M.D. All-Star Import Export, Inc.
and Ajay Sarin,
Defendants-Respondents.

- - - - -

M-5597

Ajay Sarin, et al.,
Plaintiffs-Respondents,

-against-

CNA Financial Corporation,
Defendant,

Action No. 2
Index No. 601453/07

-and-

National Fire Insurance Company of
Hartford, et al.,
Defendants-Appellants.

-----x


Appeals having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 15, 2008 (Action No. 1; Index No. 602536/06) and from the order and judgment of said Court entered on or about September 15, 2008 (Action No. 2; Index No. 601453/07), respectively,

And plaintiff-appellant Seneca Insurance Company, Inc. in Action No. 1 having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of directing the respective appellants to perfect the respective appeals for the June 2009 Term, and the Clerk is directed to calendar the appeals for hearing together in said June 2009 Term.

ENTER:

A handwritten signature in black ink, appearing to be "J.W.L.", written over the printed name "Clerk".

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 February 3, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
360 West 11th LLC, et al.,

Plaintiffs-Appellants-Respondents,

-against-

M-6008

Index No. 600141/07

ACG Credit Company II, LLC,

Defendant-Respondent-Appellant.
-----X

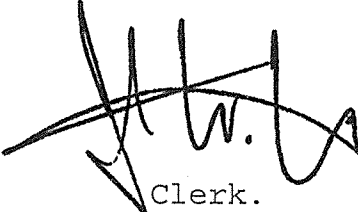
A decision and order of this Court having been entered on December 18, 2007 (Appeal No. 2227N), conditionally modifying the order of the Supreme Court, New York County, entered on or about January 29, 2007,

And defendant-respondent-appellant having moved for an order, inter alia, directing a release of escrow or, in the alternative, directing plaintiffs to post a further undertaking,

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 February 3, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
John T. Buckley
Helen E. Freedman, Justices.

-----X
Gleam Realty, Inc.,
Plaintiff,

-against-

Tommy's Realty, Inc.,
Defendant-Appellant,

Index No. 103261/04
M-6124 & M-6140

Eladio Rincon,
Non-Party Appellant.

- - - - -
Marcus & Millichap Real Estate
Investment Brokerage Company,
Third-Party Plaintiff,

-against-

Tommy's Realty and Gleam Realty,
Inc.,
Third-Party Defendants.

-----X

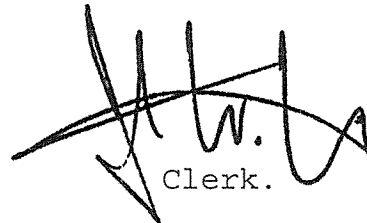
Non-party-appellant, Eladio Rincon, having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about October 28, 2008 and for consolidation of that appeal with the purported appeal taken from the order of said Court, entered on or about April 1, 2008,

And non-party Alan Mickens having moved for leave to intervene on the appeal taken by non-party appellant Rincon from the order of the Supreme Court, entered on or about October 28, 2008 (M-6140),

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

It is ordered that the non-party appellant Rincon's motion is granted only to the extent of enlarging the time of non-party appellant Rincon in which to perfect his appeal from the order entered on October 28, 2008 to on or before July 13, 2009 for the September 2009 Term. The motion, to the extent it seeks consolidation with a purported appeal from the order of said Court entered on or about April 1, 2008, is denied [See M-4569 entered November 18, 2008, a copy of which is annexed hereto.] (M-6124). The motion by non-party Alan Mickens to intervene in the appeal taken by non-party appellant Rincon from the order entered on October 28, 2008 is denied (M-6140).

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 February 3, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Luis A. Gonzalez
James M. Catterson
Dianne T. Renwick, Justices.

-----x
Stanley Salomon, as Executor of the
Estate of Carl Levine, deceased,
Plaintiff-Appellant,

-against-

M-262
M-383
Index No. 604063/00

Laurette Angsten, Kit Little and
Laurette Design Inc.,
Defendants-Respondents.

- - - - -
David Fink,
Non-Party Appellant.

- - - - -
Laurette Ansten, Ralph Wade Kittle,
Jr., also known as Kit Kittle, and
Laurette Design, Inc.,
Plaintiffs-Respondents,

-against-

Index No. 111731/06

David Fink, etc.,
Defendant-Appellant.

- - - - -
David Fink,
Third-Party Plaintiff-Appellant,

-against-

Index No. 590133/06

Stanley Salomon, as Executor of the
Estate of Carl Levine, deceased,
Donald E. Creadore and Tunick,
Kupferman & Creadore, P.C.,
Third-Party Defendants-Respondents.

- - - - -
Stanley Salomon, as Executor of the
Estate of Carl Levine,
Plaintiff-Respondent,

-against-

David Fink,
Defendant-Appellant,

Index No. 115929/05

-and-

Donald Creadore,
Defendant-Respondent.

- - - - -
David Fink,
Defendant/Third-Party Plaintiff-
Appellant,

Index No. 590033/06

-against-

Tunick Kupferman & Creadore, P.C.,
Third-Party Defendant-Respondent.

-----x

An appeal having been taken by plaintiff Stanley Salomon from the order of the Supreme Court, New York County, entered on or about July 17, 2007; and appeals having been taken by non-party appellant from the order of said Court entered on or about December 24, 2007 and from the judgment of said Court, entered on or about January 3, 2008, respectively,

And an order of this Court having been entered on June 17, 2008 (M-2119/M-2440), inter alia, consolidating the aforesaid respective appeals; and said consolidated appeals having been perfected for the November 2008 Term of this Court,

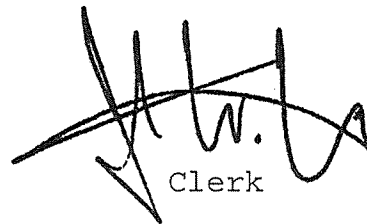
And Silverstein Langer Newburgh & McElyea, LLP, counsel for appellants Stanley Salomon and David Fink, having moved to withdraw as counsel on the appeals herein, to adjourn the perfected consolidated appeals, and for other relief,

And non-party appellant David Fink having cross-moved for an order conditioning the withdrawal of appellate counsel,

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

It is ordered that the motion is granted to the extent of permitting movants leave to withdraw as appellate counsel to appellants in *Salomon v Angsten* (Index No. 604063/00), and any other appeals taken by David Fink on condition that outgoing counsel serve a copy of this order upon all parties within 10 days of the date of entry hereof. The perfected consolidated appeals are adjourned to the June 2009 Term. The motion is otherwise denied, and the cross motion is denied.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

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

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

-against-

M-58
Ind. No. 5838/06

Jahudi Isaac,
Defendant-Appellant.

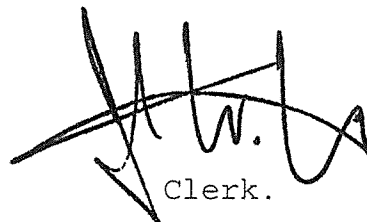
-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 5, 2007, having moved for leave to file a pro se supplemental brief and for related relief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before March 23, 2009 for the June 2009 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

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

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

Respondent,

-against-

M-50
Ind. No. 723/06

Jason Torres,

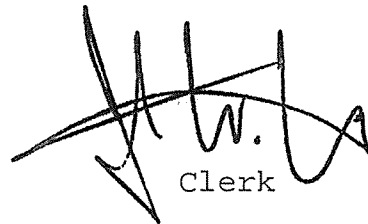
Defendant-Appellant.
-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 21, 2006, 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 February 3, 2009.

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

-----X
Emanuel Stratakis, individually and
as father and appointed Guardian of
Maria Stratakis,
Plaintiff-Appellant,

M-6150
Index No. 17222/95

-against-

Valentin Ryjov, et al.,
Defendants-Respondents.

-----X

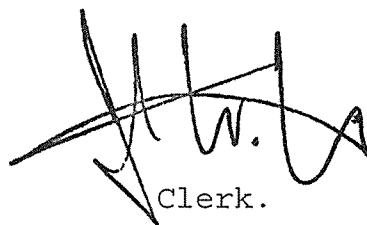
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 15, 2008, and said appeal having been perfected for the March 2009 Term of this Court,

And defendants-respondents having moved for dismissal 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 without prejudice to defendants addressing the issue in their respondents' brief. Sua sponte, the appeal is adjourned to the April 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 February 3, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
Rolando T. Acosta, Justices.

-----X

In the Matter of A Proceeding for Support under Article 4 and 5-A of the Family Court Act,

Commissioner of Social Services of the City of New York as Assignee of

Margaret F.,
Petitioner-Respondent,

M-6020
Docket No. F7279/04

-against

Irwin D.,
Respondent-Appellant.

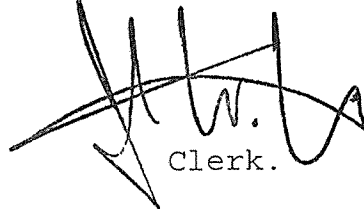
-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Family Court, New York County, entered on or about August 25, 2007,

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 of enlarging the time in which to perfect the appeal to on or before February 23, 2009 for the May 2009 Term, with no further enlargements to be granted.

E N T E R :


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,
David Friedman
Eugene Nardelli
John W. Sweeny, Jr.
Leland G. DeGrasse, Justices.

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

-against-

M-6118
Ind. No. 6488/03

Rodney David,
Defendant-Appellant.

-----x

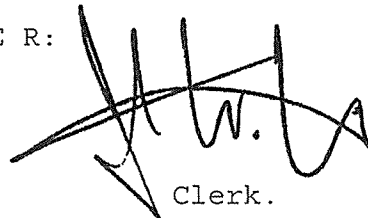
Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about October 19, 2005, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for other relief,

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, 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 serve one copy of such brief upon the District Attorney of said county and file 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. Defendant's time in which to perfect the appeal is 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 February 3, 2009.

Present - Hon. David Friedman, Justice Presiding,
Luis A. Gonzalez
John T. Buckley
Dianne T. Renwick, Justices.

-----x
SolidTrust Pay,

Plaintiff-Appellant,

-against-

M-136
Index No. 603567/08

Joseph Lacroix, also known as "Joe Mann", Digital World Card, Inc. and West Point Capital, Inc.,

Defendants-Respondents.
-----x

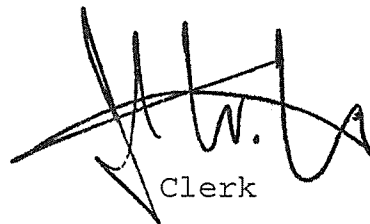
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 8, 2008 (mot. seq. no. 001),

And plaintiff-appellant having moved for a preliminary appellate injunction pursuant to CPLR 5518 for a temporary restraining order prohibiting or restraining defendants and the Bank of America, their agents, attorneys, servants, employees, members, successors, assigns and all other persons or entities from taking any actions to transfer, encumber, dissipate, waste or otherwise liquidate assets in any bank account at said bank in the name of or belonging to the defendants, 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 February 3, 2009.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,
John T. Buckley
James M. Catterson
James M. McGuire
Richard T. Andrias, Justices.

-----X

The People of the State of New York
ex rel. Paulette Rubinsky
on behalf of Richard Moise,

Petitioner-Appellant,

-against-

M-6173
Index No. 402675/08

Martin F. Horn, etc.,

Respondent-Respondent.

-----X

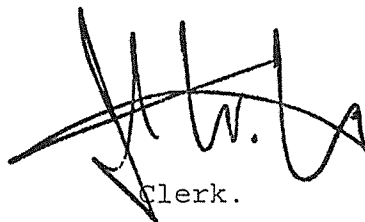
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about October 31, 2008, which dismissed a habeas corpus proceeding, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel, and to be admitted to bail pending hearing and determination of the appeal, and for related relief,

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

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

Pursuant to Section 35 of the Judiciary Law, Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. (212)577-3688 is assigned as counsel for purposes of prosecuting the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record. The motion is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

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

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

-against-

M-93
Ind. No. 3726/06

Kenneth Moore, also known as James
Jackson,
Defendant-Appellant.

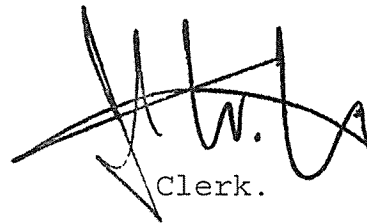
-----X

Defendant-appellant having renewed his motion for leave to file a pro se supplemental brief in connection with the appeal from the judgment of the Supreme Court, New York County, rendered on or about November 15, 2006, to enlarge the record on appeal, and for related relief,

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

It is ordered that the motion is denied.

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 February 3, 2009.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,
John T. Buckley
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Beth M. Garnett,
Plaintiff-Respondent,

-against-

M-6145
Index No. 119073/06

Strike Holdings, LLC and
Strike Long Island, LLC,
Defendants-Appellants,

Speedworld Indoor Racing, Inc.,
doing business as Electra
Motorsports, et al.,
Defendants.

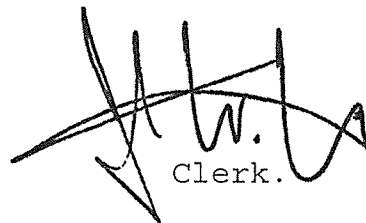
-----X

Defendants-appellants 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 April 4, 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 appellants' time in which to perfect the appeal to the June 2009 Term.

E N T E R:


Clerk.

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

BEFORE: Hon. Luis A. Gonzalez,

Justice.

-----X

The People of the State of New York,	:	M - 5963
- against -	:	CERTIFICATE DENYING LEAVE
Lei Chen,	:	Indictment Nos.
Defendant.	:	6137/03 7191/03

-----X

I, Luis A. Gonzalez, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Section 460.15 of the Criminal Procedure Law, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 3, 2008, is hereby denied.

Dated: New York, New York

January 28 2009

ENTERED

FEB 03 2009

[Signature]
Justice

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on February 3, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
Citibank, N.A.,
Plaintiff-Respondent,

-against-

Angst, Inc., et al.,
Defendants,

John M. McNamara,
Defendant-Appellant.
-----X

M-145
Index No. 600148/98

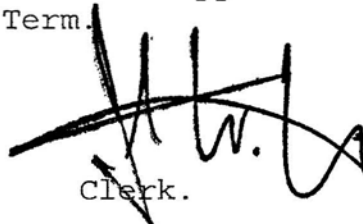
An appeal having been taken from order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 8, 2008,

And plaintiff-respondent having moved for an order striking defendants-appellants reply 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 striking the reply brief without prejudice to defendant submitting a reply brief without reference to material de hors the record on appeal as set forth in the moving papers, within 15 days of this Court's order and, sua sponte, the appeal is adjourned to the March 2009 Term. The Clerk is directed to calendar the appeal for hearing in the last week of said March 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 February 3, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Luis A. Gonzalez
James M. Catterson
Dianne T. Renwick, Justices.

-----x
Joseph Sgambati,
Plaintiff-Respondent,

-against-

M-204
Index No. 112578/06

Ball Construction, Inc. and 100 Duffy
LLC,
Defendants-Appellants,

-and-

Apollo Real Estate Advisors, LP and
Winthrop Management LP.,
Defendants.

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

Index No. 591034/06

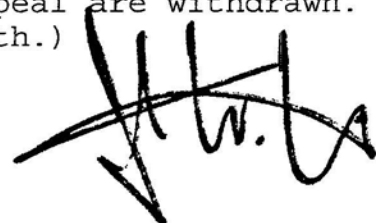
-----x
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 17, 2008, and said appeal having been perfected for the March 2009 Term of this Court,

And defendants-appellants having moved for a stay of trial pending hearing and determination of the aforesaid appeal, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated January 23, 2009, and due deliberation having been had thereon,

It is ordered that the motion and appeal are withdrawn.
(See M-452, decided simultaneously herewith.)

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 February 3, 2009.

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

-----X
Joseph Sgambati,
Plaintiff-Respondent,

-against-

Ball Construction, Inc. and 100 Duffy
LLC,
Defendants-Appellants,

-and-

Apollo Real Estate Advisors, LP and
Winthrop Management LP.,
Defendants.

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

M-452
Index No. 112578/06

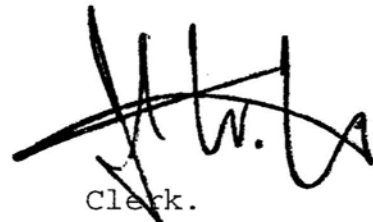
Index No. 591034/06

-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 17, 2008,

Now, upon reading and filing the stipulation of the parties hereto, filed January 28, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the March 2009 Term, is withdrawn in accordance with the aforesaid stipulation. (See M-204, decided simultaneously herewith.)

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 February 3, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,
Luis A. Gonzalez
John T. Buckley
Dianne T. Renwick, Justices.

-----X
Henderson Greaves,
Plaintiff-Respondent,

-against-

Obayashi Corporation, et al.,
Defendants-Appellants.

M-178
Index No. 107729/06

[And a Third-Party Action]
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 5, 2008 (mot. seq. no. 004),

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

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

Ordered that the motion is granted.

E N T E R:


Clerk.