

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2009.

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

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

Respondent,

-against-

M-5782
Ind. No. 1144/07

Rickey Pryor,

Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 6, 2007,

Now, upon reading and filing the stipulation of the parties, dated December 3, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2009.

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

-----X
Amanda S., an infant under the
age of 14 years by her father and
natural guardian William S., and
William S., Individually,
Plaintiffs,

-against-

M-5823X
Index No. 8688/06

Hi Tek Bug Red Inc., Alexandra
Ochakovskaya, Agustin Auraujo
and Julio Auraujo,
Defendants.

-----X
Agustin Araujo, et al.,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 85330/06

Christine Rolon,
Third-Party Defendant-Appellant.

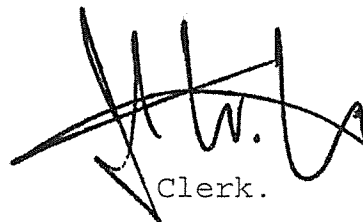
-----X
(And other actions)
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 4, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 8, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2009.

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

-----X
James L. Melcher,
Plaintiff-Appellant,

-against-

M-5861X
Index No. 604047/03

Apollo Medical Fund Management
LLC and Brandon Fradd,
Defendants-Respondents.

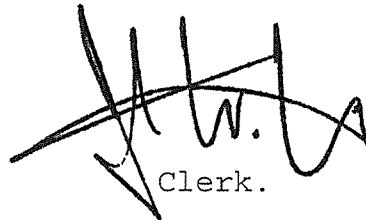
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 15, 2008 (mot. seq. no. 020),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" December 9, 2008, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2009.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Eugene Nardelli
John T. Buckley
Richard T. Andrias, Justices.

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

Paul Oswald,
Plaintiff-Respondent,

-against-

M-5614
Index No. 111227/01

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

Kentile Floors, Inc.,
Defendant-Appellant.
-----X

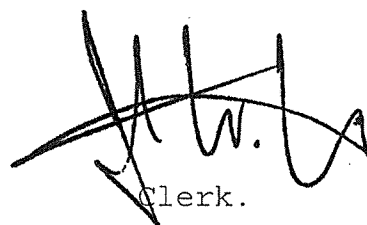
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 21, 2008 (mot. seq. no. 002),

And defendant-appellant having moved for a stay of trial in the above-captioned action, pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion and the stipulation of the parties hereto, dated December 1, 2008, and due deliberation having been had thereon,

It is ordered that the motion and the underlying appeal are deemed 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 January 6, 2009.

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

-----X
Joyce Henderson,
Plaintiff-Respondent,

-against-

M-5507
Index No. 15851/06

MABSTOA and New York City Transit
Authority,
Defendants-Appellants,

-and-

The City of New York, The City of
New York Department of Transportation
and John H. Williams,
Defendants.

-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about June 20, 2007,

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

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 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-5644
Ind. No. 6085/01

Thomas Johnson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about October 31, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

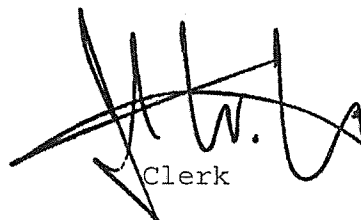
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 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-5646
Ind. No. 3287/07

Rafael Santiago,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 3, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

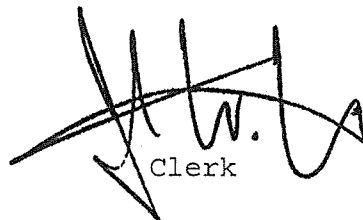
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 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-5647
Ind. No. 4708/07

Juan Carlos Baez,
Defendant-Appellant.

-----X

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

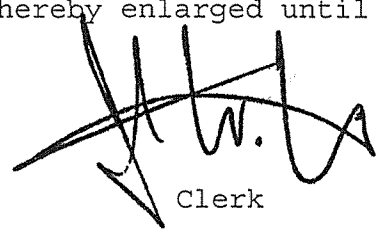
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, 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 January 6, 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-5649
Ind. No. 3566/08

John Hood,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 7, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

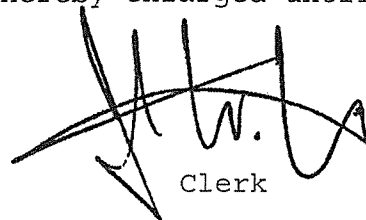
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 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-5651
Ind. No. 90052/05

Roy Gray,
Defendant-Appellant.

-----X

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

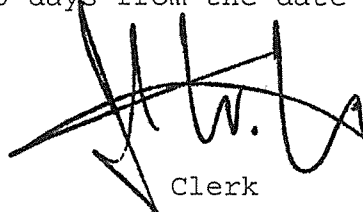
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 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-5654
Ind. No. 1193/08

Keyshawn Johnson,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 14, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

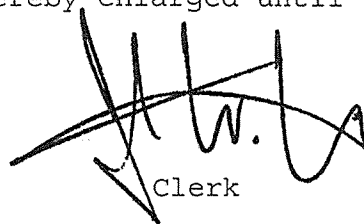
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 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-5658
Ind. No. 5066/07

Laron Vinson,
Defendant-Appellant.

-----X

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

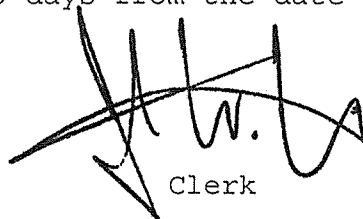
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 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-5667
Ind. No. 1159/06
3163/06

Radhames Mojica-Sanchez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about November 13, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

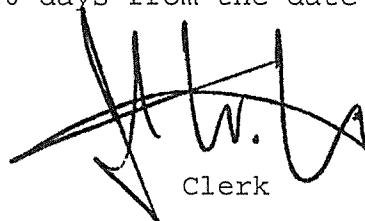
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 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-5668
Ind. No. 1515/08

Benjamin John,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 21, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

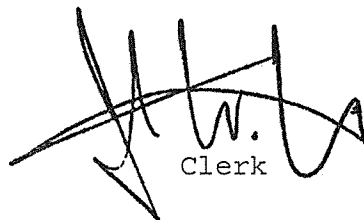
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 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-5669
Ind. No. 3446/02

Ronald Harris,
Defendant-Appellant.

-----X

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

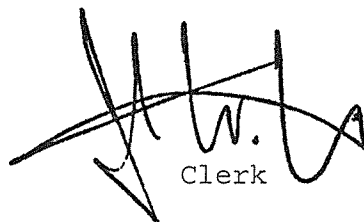
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of **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 January 6, 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-5670
Ind. No. 4889/05

Akieme Nesbitt,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 24, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

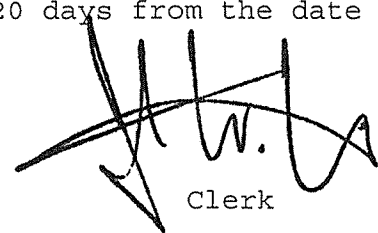
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 January 6, 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-5671
Ind. No. 5467/07

Kelly Bucala,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 17, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

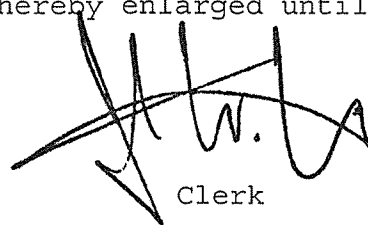
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 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-5672
Ind. No. 5303/05

Louis Rodriguez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of **resentence** the Supreme Court, New York County, rendered on or about April 13, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

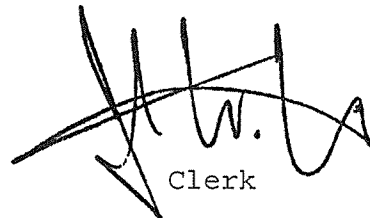
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 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-5678
Ind. No. 3118/08

Emmanuel Starks,
Defendant-Appellant.

-----X

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

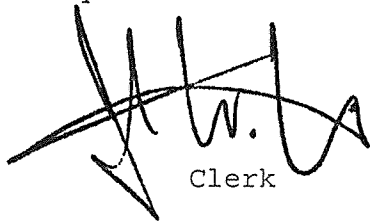
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 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-5679
Ind. No. 610/08

Kammau Dean,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 14, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

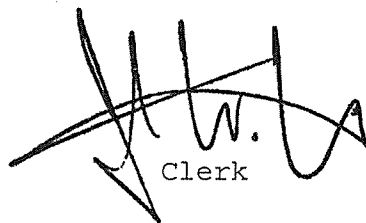
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 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-5680
Ind. No. 778/06

Malisha Blyden,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about November 21, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

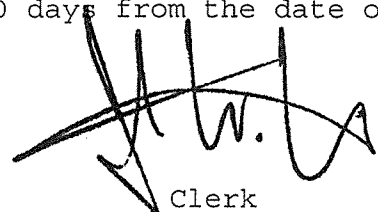
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2009.

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

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

-against-

M-5682
Ind. No. 2757/08

Elvin B. Garcia,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about October 14, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

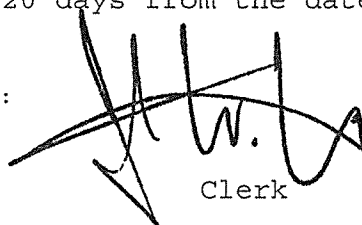
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 January 6, 2009.

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

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

Respondent,

-against-

M-5540
Ind. No. 681/08

Julio Hidalgo,

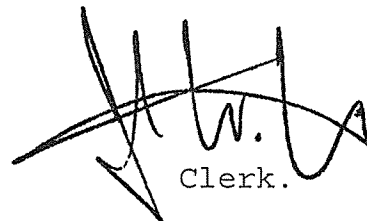
Defendant-Appellant.
-----X

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 denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$150,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2009.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
John T. Buckley
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
In the Matter of

Howard Bryan, also known as
Paul Smith,

Petitioner-Appellant,

M-5442
Index No. 400112/08

For a Judgment, etc.,

-against-

Records Access Officer,
NYPD, Appeals Officer, NYPD,

Respondents-Respondents.

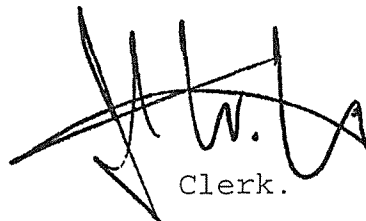
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about August 28, 2008, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that said motion is 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 January 6, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Mary Dawson and Angela Dawson,
Plaintiffs,

-against-

M-5835
Index No. 108493/08

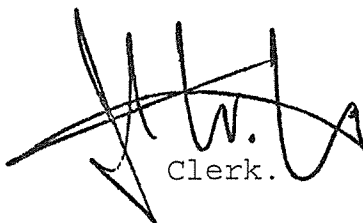
Springfield Missionary Baptist Church,
Defendant.
-----X

Plaintiffs having moved pursuant to CPLR 5704(a) for a temporary restraining order, denied by a Justice of the Supreme Court, New York County, on or about November 25, 2008,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2009.

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

-----X
Holdridge/BK Street, Inc.,
Petitioner-Landlord-Respondent,

-against-

M-4858
Index No. 570368/07

Richard Lamson,
Tenant,

-and-

Paul Ziek, Edward Ziek and Savant
Services Corp.,
Respondents-Appellants.

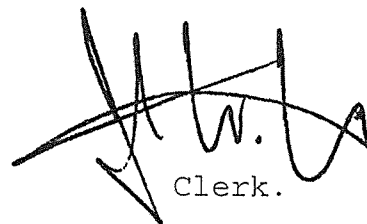
-----X

Respondents-appellants 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 July 17, 2008, and for a stay of eviction pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court dated October 7, 2008 is hereby vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2009.

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

-----X
68-74 Thompson Realty, LLC,
Petitioner-Landlord-Appellant,

-against-

M-5031
Index. No. 570599/06

Keith McNally,
Respondent-Tenant,

Harry McNally,
Respondent-Respondent.

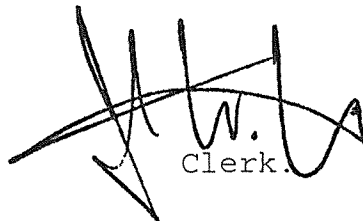
-----X

Petitioner 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 May 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. 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.

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 January 6, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding.
Angela M. Mazzarelli
David Friedman
Luis A. Gonzalez, Justices.

-----X
Bovis Lend Lease LMB, Inc., et al.,
Plaintiffs-Respondents,

-against-

Great American Insurance Company, et al.,
Defendants-Respondents,

QBE Insurance Corporation,
Defendant.

United National Insurance Corp.,
Defendant-Appellant-Respondent,

M-2380
M-2391
Index Nos. 602739/05
590088/05

-and-

Westchester Fire Insurance Company,
Defendant-Respondent-Appellant.

[And a Third-Party Action]

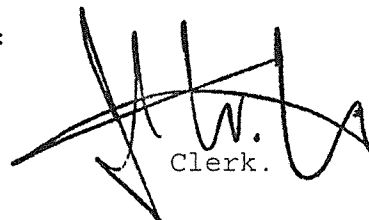
-----X

Plaintiffs-respondents and defendants-respondents having moved separately (M-2380/M-2391) for reargument of, or leave to appeal to the Court of Appeals from the decision and order of this Court, entered on April 10, 2008 (Appeal No. 1973),

Now, upon reading and filing the papers with respect to the motion and the correspondence from Howard B. Altman, Esq., dated December 3, 2008, and due deliberation having been had thereon,

It is ordered that the motions are deemed withdrawn in accordance with the aforesaid correspondence, the underlying action having been settled.

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 January 6, 2009.

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

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

-against-

M-5625
Ind. No. 454/04

Phillip Clark,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Megan Tallmer, J.) entered on or about November 3, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

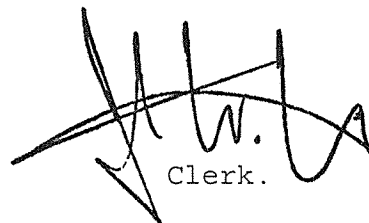
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on 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, and it is further

Ordered that the Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Tallmer as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 January 6, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. Catterson
Leland G. DeGrasse, Justices.

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

Patricia C., M-5122
Petitioner-Appellant, Docket Nos. V11653-05/06C
V11653-05/06D

-against-

Bruce L.,
Respondent-Respondent.
-----X

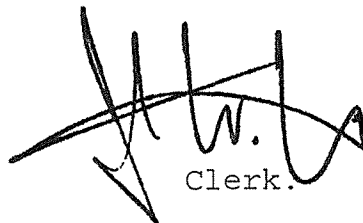
Petitioner having moved for leave to appeal to this Court from the order of the Family Court, New York County, entered on or about September 10, 2008, for leave to prosecute said appeal as a poor person, for the assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that so much of the motion, which seeks leave to appeal to this Court, is denied as unnecessary and the moving papers are deemed a timely filed notice of appeal. So much of the motion which seeks poor person relief and the assignment of counsel is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. 516-921-8800, as counsel, for purposes of

prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available 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 from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2009.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-5742
Ind. No. 5996/02

Dan Landy,

Defendant-Appellant.

-----X

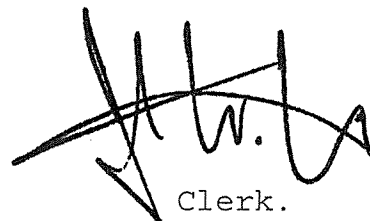
An order of this Court having been entered on August 26, 2008 (M-3654), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the consolidated appeals from the judgment of the Supreme Court, County, rendered on or about October 23, 2003, and from the order of said Court entered on or about April 16, 2004, respectively,

And defendant having moved for an extension of time in which to file the pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of 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 consolidated appeals are adjourned. The consolidated appeals 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 January 6, 2009.

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

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

Respondent,

-against-

M-5801
Ind. No. 3810/06

Cary Hubert, also known as Hubert
Cary,

Defendant-Appellant.
-----X

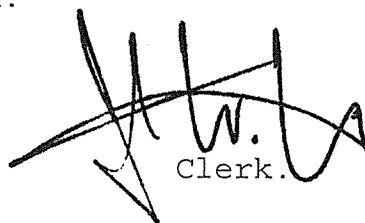
An order of this Court having been entered on October 21, 2008 (M-4360), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about April 13, 2007,

And defendant having moved for an extension of time in which to file the pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of 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 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 January 6, 2009.

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

-----X
Ana Martinez,
Plaintiff-Respondent,

-against-

142 Broadway Associates, LLC,
Defendant-Appellant.

M-5982
Index No. 118967/06

-----X

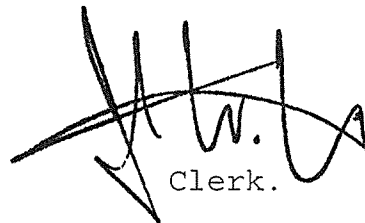
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 12, 2008 (mot. seq. no. 001),

And defendant-appellant having moved for an order staying 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 January 6, 2009.

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

-----X

Mary Colon,

Plaintiff-Respondent,

-against-

M-5851

Index No. 8832/06

New York Eye Surgery Associates, P.C.,

Defendant-Appellant.

-----X

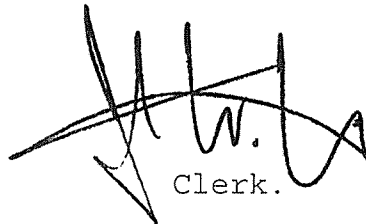
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 25, 2008 as amended on or about October 23, 2008,

And defendant-appellant having moved for an order staying 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 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 January 6, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John W. Sweeny, Jr.
James M. McGuire, Justices.

-----X

Founders Insurance Company Limited,
Petitioner-Appellant/
Respondent-Appellant,

-against-

M-5912
Index No. 600523/07

Everest National Insurance Company,
an Arizona Corporation, and
Everest Reinsurance Company, a
Delaware Corporation,
Respondents-Respondents/
Appellants-Respondents.

-----X

An appeal having been taken from the orders of the Supreme Court, New York County, both entered on or about November 23, 2007 (mot. seq. nos. 005 and 006) and an appeal and cross appeal having been taken from the order of said Court entered on or about June 6, 2008, respectively,

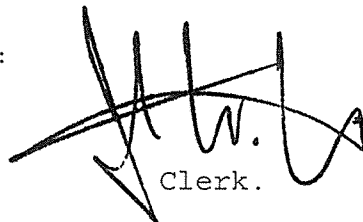
And Gerald A. Greenberger, Esq., Rubin, Fiorella & Friedman LLP, having moved to withdraw as counsel for petitioner, Founders Insurance Company Limited, and for related relief,

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 withdraw as counsel is granted and, sua sponte, the time in which to perfect the appeal taken from the order entered on November 23, 2007, and the appeal and cross appeal taken from the order entered on June 6, 2008 is enlarged to the April 2009 Term, and it is further

Ordered that the motion (M-5964) between the above-named parties currently returnable on January 12, 2009 is adjourned to January 26, 2009.

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 January 6, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. Catterson
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
S & W Home Improvement Co.,
Plaintiff-Respondent-Appellant,

-against-

M-5572
Index No. 23098/99

La Casita II H.D.F.C., Fidelity &
Deposit Company of Maryland and
Lettire Construction,
Defendants-Appellants-Respondents.

-----X

Defendants having taken appeals from the judgment of the Supreme Court, Bronx County, entered on or about July 25, 2007, the order of said Court entered on or about January 8, 2008, and from the amended judgment of said Court entered on or about June 11, 2008,

And plaintiffs having taken cross appeals from the aforesaid order entered on or about January 8, 2008 and the amended judgment entered on or about June 11, 2008,

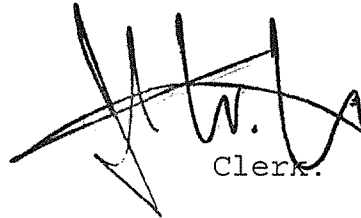
And defendants-appellants-respondents having moved for consolidation of the aforesaid appeals and cross appeals, for an enlargement of time in which to perfect the consolidated appeals, and permitting defendants to file plaintiff's trial Exhibit No. 3 as an exhibit on the appeal in lieu of its reproduction in the record on appeal, 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 consolidating the appeals and cross appeals herein and enlarging the time of the parties in which to perfect the consolidated appeals and cross appeals to the June 2009 Term.

Defendants-appellants are permitted to file trial Exhibit No. 3 as an exhibit on the appeal in lieu of its reproduction in the record on appeal. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

ENTER:

A handwritten signature in black ink, consisting of several overlapping, stylized strokes. The signature is positioned to the right of the word "ENTER:" and above the word "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 January 6, 2009.

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

-----X
Steve Gaboury, doing business as
Livewire Production and Recording,
Plaintiff-Respondent,

-against-

M-5721
Index No. 604042/06

Technical Structures, Inc.,
Defendant-Appellant.

-----X
Technical Structures, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Ernst Architect, PLLC,
Third-Party Defendant-Respondent.

-----X

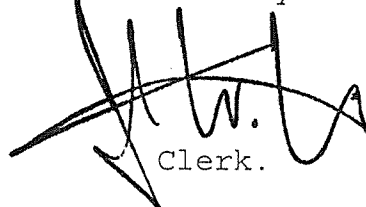
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 30, 2008 (mot. seq. no. 003),

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

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

It is ordered that the motion is granted on condition that the appeal is perfected for the June 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondents serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
David Friedman
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X

In the Matter of a Paternity Proceeding
Under Article 5 of the Family Court Act.

Glenda G.,
Petitioner-Respondent,

M-5822
Docket No. P18471/06

-against-

Mariano M.,
Respondent-Appellant.

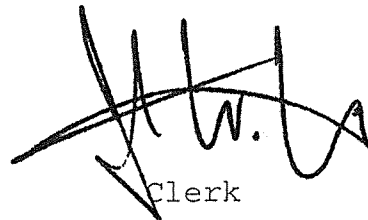
-----X

Petitioner-respondent mother having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about August 1, 2007, for the assignment of counsel, a free copy of the transcript, for adjournment of said appeal, previously perfected for the February 2009 Term of this Court, and for related relief,

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

It is ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 110 of the Family Court Act, Julian Hertz, Esq., 15 Sherwood Drive, Larchmont, NY 10538, Telephone No. (914)834-5461, as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 10 copies thereof are filed with this Court; and (3) adjourning the appeal 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 January 6, 2009.

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

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

-against-

M-3771
Ind. No. 3509/03

Jose Rivera,
Defendant-Appellant.

-----X

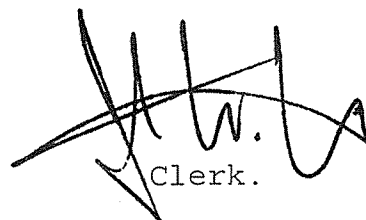
An order of this Court having been entered on July 27, 2006 (M-3660), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 16, 2006, and assigning Richard M. Greenberg, Esq., as counsel to prosecute the appeal,

And defendant having moved to relieve said counsel, to have new appellate counsel assigned, 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 designation of assigned counsel Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 January 6, 2009.

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

-----X
In the Matter of the Application of
Lamont Young, Sr.,
Petitioner,

M-5510
M-5627
Index No. 406452/07

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

Office of Housing Operation/
Division of Tenant Resources, et al.,
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 March 26, 2008 (mot. seq. no. 001), to review a determination of respondent,

And an order of this Court having been entered September 9, 2008 (M-3593), inter alia, conditionally granting respondent landlord's motion to vacate a stay of eviction issued by Supreme Court,

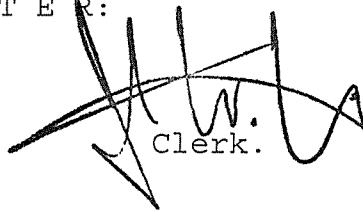
And petitioner tenant having moved for leave to prosecute, as a poor person, and for an enlargement of time in which to perfect the aforesaid proceeding (M-5510),

And respondent landlord having cross-moved to vacate the stay of eviction (M-5627),

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 the proceeding to be heard on the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for respondents and file 10 copies of such brief, together with the original record, with this Court and perfect the proceeding to on or before February 2, 2009 for the April 2009 Term. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The cross 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 January 6, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
David Friedman
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Elizabeth Santos Davila, et al.,
Plaintiffs-Respondents,

-against-

M-5561
Index No. 21075/06

Yehen Wijedoru,
Defendant-Appellant,

Fanny Laubenberger, et al.,
Defendants.

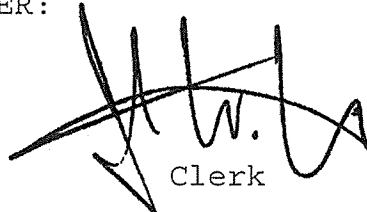
-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 29, 2008,

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

It is ordered that the motion is 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 January 6, 2009.

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

-----X

Eleanor Capogrosso,

Plaintiff-Appellant,

-against-

M-5410

Index No. 100333/04

Reade Broadway Associates,

Defendant-Respondent.

-----X

Plaintiff-appellant having moved for a stay of the appeal taken from the judgment of the Supreme Court, New York County, entered on or about May 31, 2007, pending investigation by the Office of the Inspector General,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before February 23, 2009 for the May 2009 Term. 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 January 6, 2009.

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

-----X
Horizon Inc., et al.,
Plaintiffs-Respondents-Appellants,

-against-

Shimon Wolkowicki, etc., et al.,
Defendants-Appellants-Respondents
-----X

M-5298
M-5312
Index No. 600305/05

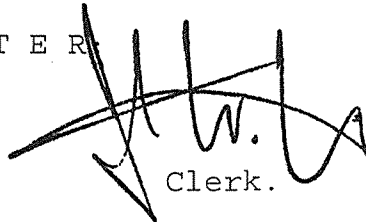
Plaintiffs having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on October 7, 2008 (Appeal No. 4077) [M-5298],

And defendants having cross moved for reargument of the aforesaid decision and order of this Court [M-5312],

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

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

E N T E R


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 6, 2009.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,
David B. Saxe
James M. Catterson
Karla Moskowitz, Justices.

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

-against-

Tyrone Jackson,
Defendant-Appellant.

M-2811
M-4673
Ind. No. 3137/92

-----X

A decision and order of this Court having been entered on October 12, 1995 (Appeal No. 55790), unanimously affirming a judgment of the Supreme Court, New York County, (Clifford Scott, J.), rendered on or about November 2, 1992,

And an order of this Court having been entered on September 10, 1998 (M-8053), denying defendant's motion, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

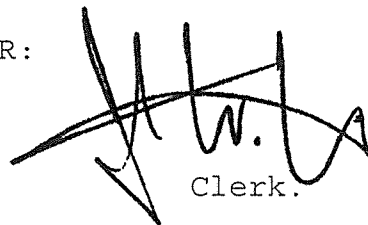
And defendant having moved for reargument of the aforesaid order of this Court (M-2811),

And defendant having also moved to strike the People's affirmation in opposition to the present reargument application for a writ of error coram nobis (M-4673),

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

It is ordered that the motions are 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 January 6, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Barklee 94 LLC,
Petitioner-Landlord-Appellant,

-against-

M-5390
Index No. 570052/07

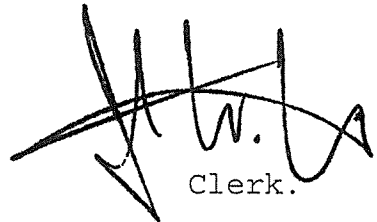
Jane O'Keefe,
Respondent-Tenant-Respondent.
-----X

Petitioner-landlord-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County, on or about January 31, 2008,

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

Ordered that the motion is denied.

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 January 6, 2009.

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

-----x
M Entertainment, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-5681
M-5862
Index No. 119221/03

Laurence Leydier,
Defendant-Respondent,

Wardrop Business Solutions Inc.,
et al.,
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the amended decision and order of the Supreme Court, New York County, entered on or about October 17, 2007,

And defendant-respondent Laurence Leydier (M-5681) and Wardrop Business Solutions, Inc., et al., (M-5862) having moved, by separate motions, for dismissal of the aforesaid appeal for lack of jurisdiction,

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

It is ordered that the motions are denied, without prejudice to defendants-respondents raising the issue in their respondent's briefs. Sua sponte, the appeal is adjourned to the March 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 January 6, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
Karla Moskowitz
Rolando T. Acosta, Justices.

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

-against-

M-3672
Ind. No. 8764/93

George Charlotte,
Defendant-Appellant.

-----X

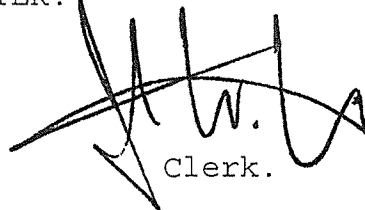
A decision and order of this Court having been entered on March 15, 2001 (Appeal No. 3542), unanimously affirming a judgment of the Supreme Court, Bronx County (George Covington, J. at suppression hearing, Joseph Cerbone, J. at jury trial and sentence), rendered on March 14, 1996,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

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

It is ordered that said application 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 January 6, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
John T. Buckley
Dianne T. Renwick, Justices.

-----X

Aris Multi-Strategy Fund, LP,
Petitioner-Appellant,

-against-

M-5604
Index No. 603141/08

Palm Beach Multi-Strategy Fund, L.P.,
et al.,
Respondents-Respondents.

-----X

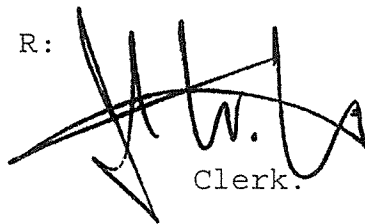
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 20, 2008 (mot. seq. no. 001),

And petitioner-appellant having moved for a stay/vacatur of the aforesaid order of Supreme Court pending hearing and determination of the appeal,

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

Ordered that the motion is 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 January 6, 2009.

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

-----X
In the Matter of

Ariella P. and Iyanah D.,

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

M-5437
Docket Nos. NN10302/06
NN11788/05

Administration for Children's
Services,
Petitioner-Respondent,

Daniel D.,
Respondent-Appellant.

Michelle Roberts, Esq.,
Law Guardian for the Children.

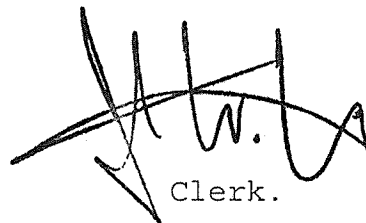
-----X

Respondent-appellant father having moved for an enlargement of time in which to perfect the appeal from the order of the Family Court, New York County, entered on or about January 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 the time in which to perfect the appeal to the May 2009 Term.

ENTER:


Clerk.

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

BEFORE: Hon. Jonathan Lippman,
Justice of the Appellate Division

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

M-4839
Ind. No. 4556/01

-against-

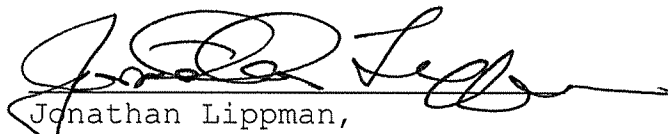
CERTIFICATE
DENYING LEAVE

Wesley Kelly,

Defendant.

-----X

I, Jonathan Lippman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County (Bonnie Wittner, J.), entered on or about September 5, 2008, is hereby denied.


Jonathan Lippman,
Presiding Justice

Dated: December 23, 2008
New York, New York

ENTERED: January 6, 2009