

At a 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 22, 2009.

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

-----X  
In the Matter of

Joyce A.-M. and  
Evan A.,

Children Under the Age of 18 Years  
Alleged to be Neglected Pursuant to  
§384-b of the Social Services Law  
of the State of New York and/or  
Article 10 of the Family Court Act.

- - - - -  
Administration for Children's Services,  
Petitioners-Respondents,

M-154  
Docket Nos. NN28833/06  
NN28834/06

Yvette A.,  
Respondent-Appellant.

- - - - -  
Adam Brown, Esq.,  
Law Guardian for the Children.

-----X  
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about September 26, 2008, and for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. (914) 949-8214, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged

against the City of New York from funds available therefor<sup>1</sup>  
**within 60 days of service of a copy of this order upon the Clerk;**  
(3) permitting appellant to dispense with any fee for  
transferring the record from the Family Court to this Court; and  
(4) enlarging the time to perfect this appeal until 120 days from  
the date of filing of the record. **Assigned counsel is directed  
to immediately subpoena the record from the Family Court and to  
serve a copy of this order upon the Clerk of the Family Court.**

ENTER:

A handwritten signature in black ink, appearing to be 'J.W.L.', written over a horizontal line.

Clerk

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 22, 2009.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

Maurice Cohen,  
Defendant-Appellant,

M-5416  
M-5589  
M-5872  
Index No. 109565/03

Summerson International Establishment,  
et al.,  
Defendants.

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

-against-

Leon Cohen, also known as Leon Levy,  
also known as Leon Levy Cohen, also  
known as Leon Cohen-Levy, also known  
as Levy Cohen, also known as Levy  
Leon Cohen, also known as Leon Cohen  
Levy, also known as Leon Commen;  
Maurice Cohen, also known as  
Mauricio Assor, also known as  
Mauricio Cohen Assor, also known as  
Maurice Assor; Sonia Cohen,  
Defendants-Appellants,

Index No. 600448/06

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

Joelle Habib,  
Defendant-Appellant.

-----X

Defendants-appellants Maurice Cohen, Leon Cohen and Sonia Cohen having moved for an order staying the appeal taken from the consolidated order of the Supreme Court, New York County, entered on August 13, 2008 (mot. seq. nos. 012 and 013 [under Index No. 109565/03] and mot. seq. nos. 013, 014, 015, 016 and 017 [under Index No. 600448/06]) pending the disposition of motions pending before the Supreme Court for renewal and reargument, and related relief (M-5416),

And plaintiff-respondent CDR Créances S.A.S. having cross-moved to vacate stay of trial granted by the order of this Court entered on October 16, 2008 [M-4540/M-4592/M-4593] (M-5589),

And the Cohen defendants-appellants and defendant-appellant Joelle Habib having jointly moved to consolidate the aforesaid appeals from the order of the Supreme Court entered on August 13, 2008 with the subsequent appeals taken from the order of said Court entered on December 1, 2008 (M-5872),

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 (M-5416) is denied as academic, the underlying motion(s) having been decided by order of the Supreme Court entered on or about December 1, 2008. The motion to consolidate (M-5872) is granted upon condition that the appeal from the order of Supreme Court entered on December 1, 2008 is perfected for the May 2009 Term, and the Clerk is directed to calendar the appeals for hearing together in said May 2009 Term. The stay of trial previously granted is extended to cover the Referee Hearing contained in the December 1, 2008 order. Upon failure to so perfect, respondents may enter an ex parte order vacating the stays heretofore afforded appellant(s) upon condition they serve a copy of the order upon appellant(s) within 10 days after the date of entry hereof. The cross motion (M-5589) is decided, as indicated. The Clerk is directed to calendar all appeals under the above-listed Index Nos. for hearing together in said May 2009 Term. (See M-5847/M-6075/M-6076/M-6077, 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 January 22, 2009.

Present - Hon. Jonathan Lippman, Presiding Justice,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

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

-against-

World Business Center, Inc.,  
Defendant-Appellant,

Index No. 109565/03

Maurice Cohen,  
Defendants.

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

M-5847  
M-6075  
M-6076  
M-6077

-against-

Leon Cohen, also known as Leon Levy,  
also known as Leon Levy Cohen, also  
known as Leon Cohen-Levy, also known  
as Levy Cohen, also known as Levy  
Leon Cohen, also known as Leon Cohen  
Levy, also known as Leon Commen;  
Maurice Cohen, also known as  
Mauricio Assor, also known as  
Mauricio Cohen Assor, also known as  
Maurice Assor; Sonia Cohen, etc., et al.,  
Defendants-Appellants,

Index No. 600448/06

Robert Maraboeuf, Allegria Achour Aich  
and Patricia Habib Petetin,  
Defendants-Appellants,

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

Joelle Habib,  
Defendant-Appellant.

-----X

World Business Center Inc. having moved for a stay of the appointment of a receiver of its assets and interests and for related relief, including the turnover of counsel's files, pending hearing and determination of its appeal taken from the order of the Supreme Court, New York County, entered on or about November 24, 2008 (mot. seq. nos. 017, 018 [Under Index No. 109565/03]) (M-5847),

And plaintiff-respondent CDR Créances S.A.S, etc. having cross-moved (M-6075) to dismiss the appeal(s) taken by defendants Robert M. Maraboeuf, Allegría Achour Aich and Patricia Habib Petetin from the consolidated order of Supreme Court entered on or about August 13, 2008 (mot. seq. nos. 012, 013 [under Index No. 109565/03] and mot. seq. nos. 013, 014, 015, 016, 017 [under Index No. 600448/06]) and from the subsequent order of said Court entered on or about December 1, 2008 mot. seq. nos. 022, 025, 026 [Index No. 600448/06]),

And plaintiff-respondent CDR Créances S.A.S, etc. having cross-moved, by separate motions (M-6076) and (M-6077) to dismiss the appeal(s) taken by defendant World Business Center, Inc. from the judgment(s) denominated "on default", both entered on September 25, 2008 (Notice of Appeal dated October 14, 2008, \$268,067,132.33; Notice of Appeal dated October 22, 2008, \$268,067,157.33),

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

It is ordered that the motion by defendant World Business Center, Inc. to stay the appointment of a receiver and for related relief is denied in its entirety (M-5847), and it is further,

Ordered that the cross motion by plaintiff-respondent to dismiss the appeal(s) taken by defendants Robert M. Maraboeuf, Allegría Achour Aich and Patricia Habib Petetin from the orders of Supreme Court entered on August 13, 2008 and December 1, 2008 (M-6075) is granted unless the appeals, which are sua sponte consolidated, are perfected for the May 2009 Term. Upon failure to so perfect, an order dismissing the consolidated appeals may be entered ex parte, provided respondent serves a copy of this order upon appellant(s) within 10 days after the date of entry hereof, and it is further,

Ordered that the cross motions by plaintiff-respondent to dismiss the appeal(s) taken by defendant World Business Center, Inc. from the judgment(s) of said Court, denominated "on default" (M-6076/M-6077) are granted unless the appeal(s) are perfected for the May 2009 Term. Upon failure to so perfect, an order dismissing the appeals may be entered ex parte, provided respondent serves a copy of this order upon appellant(s) within 10 days after the date of entry hereof.

The Clerk is directed to calendar all appeals under the above-listed Index Nos. for hearing together in said May 2009 Term. (See M-5416/M-5589/M-5872, 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 January 22, 2009.

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

-----X  
Hamiltonian Corporation,  
Plaintiff-Respondent,

-against-

M-72  
Index No. 113395/06

Trinity Centre LLC,  
Defendant-Appellant.  
-----X

An appeal having been taken from an amended order of the Supreme Court, New York County, entered on or about August 23, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated January 6, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the January 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 January 22, 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-11  
Ind. No. 2320/07

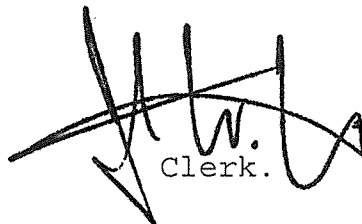
Heward Velez,  
Defendant-Appellant.  
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about March 12, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated December 31, 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 22, 2009.

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

-----X  
Portside Growth and Opportunity Fund,  
Plaintiff-Appellant,

-against-

M-84X  
Index No. 602556/07

Jed Oil, Inc.,  
Defendant-Respondent.

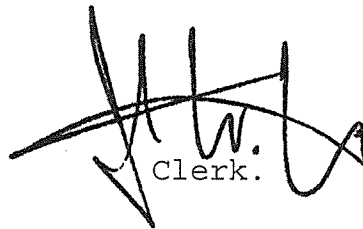
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about May 20, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 6, 2009, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 22, 2009.

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

-----X

Rosalie Heller,

Plaintiff-Respondent,

-against-

M-85X

Index No. 106653/05

Abdel Hafize Shaddad,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 17, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 7, 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 January 22, 2009.

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

-----X  
Vici Vidi Vini, Inc. and Michael Stark,  
Plaintiffs-Respondent,

-against-

M-105X  
Index No. 102262/06

Buchanan Ingersoll & Rooney, PC,  
Robert L. Bourguignon, Esq., and  
Martin Shaw, Esq.,  
Defendants-Respondents.

-----X  
Buchanan Ingersoll & Rooney, PC,  
Robert L. Bourguignon, Esq.,  
Third-Party Plaintiffs-Respondents,

Third-Party  
Index No. 590828/07

-against-

Golden Apple Associates LLC,  
Elizabeth Harris and Charles Harris,  
Third-Party Defendants-Appellants.

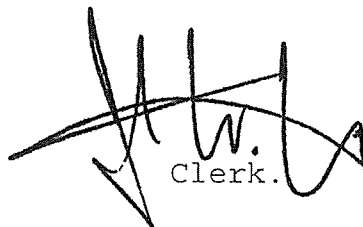
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about August 8, 2008 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 7, 2009, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 22, 2009.

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

-----X  
Maria Ortiz,  
Plaintiff-Appellant,

-against-

M-177X  
Index No. 7570/02

One Thousand One Castle Hill  
Holding Corporation, et al.,  
Defendants-Respondents.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 12, 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 January 22, 2009.

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

-----X  
Lee Deane,  
Plaintiff-Appellant,

-against-

M-197X  
Index No. 20218/05

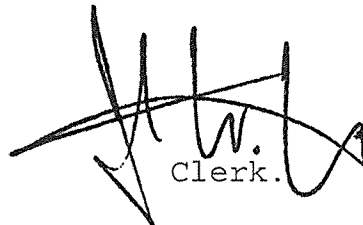
Robert Knight, et al,  
Defendants-Respondents.  
-----X

Appeals having been taken from the orders of the Supreme Court, Bronx County, both entered on or about August 22, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 13, 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 January 22, 2009.

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

-----X  
Delafoil Holdings, Inc.,  
Plaintiff-Respondent,

-against-

M-233X  
Index No. 601736/06

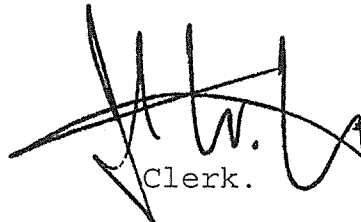
Philips Electronics North  
America Corporation,  
Defendant-Appellant.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 15, 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 January 22, 2009.

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

-----X  
Talla Fall,

Plaintiff-Respondent,

-against-

M-234X  
Index No. 20803/06

Alter Trans Corp., et al.,

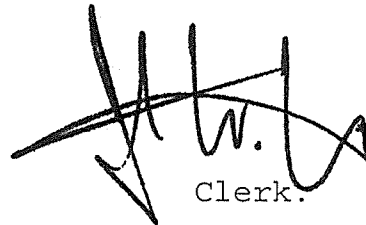
Defendants-Appellants.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 5, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 15, 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 January 22, 2009.

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

-----X  
Sheldon Rabin, et al.,  
Plaintiffs-Appellants,

-against-

M-236X  
Index No. 650125/08

John Goltra, et al.,  
Defendants-Respondents,

International Bio-Immune Systems,  
Inc.,  
Nominal Derivative  
Defendant-Respondent.

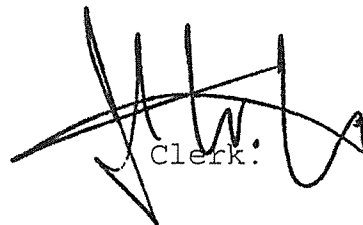
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 20, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 14, 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 January 22, 2009.

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

-----X  
DDK Capital, LLC,  
Plaintiff-Respondent,

-against-

M-238X  
Index No. 650217/07

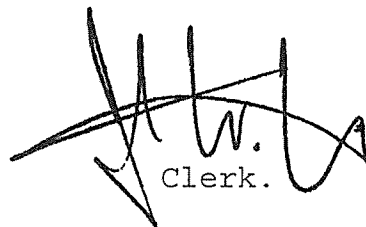
Integrated Manufacturing  
Group, LLC,  
Defendant-Appellant.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 28, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 14, 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 January 22, 2009.

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

-----X  
James Sylvestre,  
Plaintiff-Respondent,

-against-

M-242X  
Index No. 7156/06

The Citigroup Center Condominum,  
et al.,  
Defendants-Appellants,

BP/CGCenter I, LLC, et al.,  
Defendants.

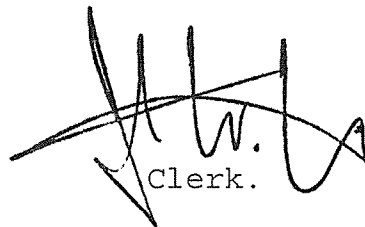
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 31, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 16, 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 January 22, 2009.

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

-----X  
Derek Nathan Halpern,  
Plaintiff-Appellant,

-against-

M-244X  
Index No. 101470/07

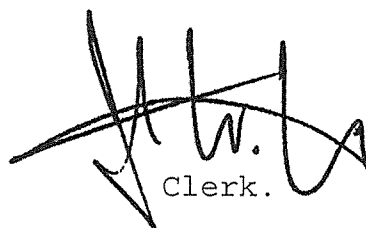
Pick A Bagel BPC, LLC, et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 15, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 15, 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 January 22, 2009.

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

-----X  
Application of Avner Haimoff and  
Uri Haimoff,

Petitioners-Appellants,

M-260X  
Index No. 601459/08

For an Order pursuant to Article 75  
of the CPLR vacating an arbitration  
award,

-against-

Lajb Blatman,

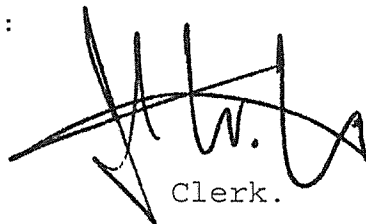
Respondent-Respondent.  
-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 3, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 15, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation. (See M-261X 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 January 22, 2009.

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

-----X  
In the Matter of the Arbitration  
of Certain Controversies Between  
Lajb Blatman,  
Petitioner-Respondent,

-against-

M-261X  
Index No. 601318/08

Avner Haimoff, et al.,  
Respondents-Appellants.

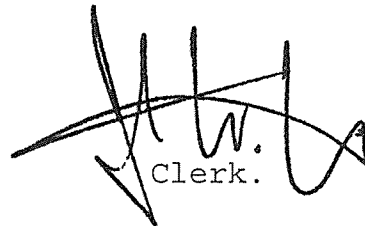
-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about November 3, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 15, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation. (See M-260X, decided simultaneously herewith.)

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 22, 2009.

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

-----X  
Richard B. Cohen,  
Plaintiff-Appellant-Respondent,

-against-

M-176X  
Index No. 103900/07

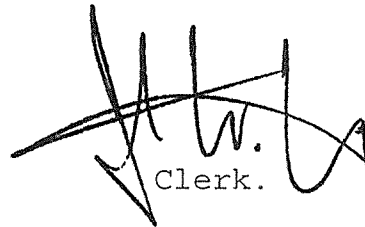
Akabas & Cohen, et al.,  
Defendants-Respondents-Appellants.  
-----X

Appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 9, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" January 12, 2009, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal 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 January 22, 2009.

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

-----X  
Meinun Ou, also known as Buo Yu You,  
et al.,  
Plaintiffs-Respondents,

-against-

M-5879

Index No. 119985/01

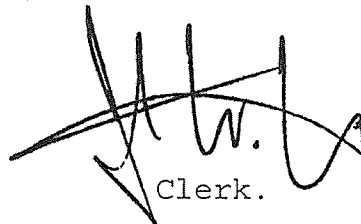
New York City Transit Authority,  
Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about November 26, 2007,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated December 17, 2008, and due deliberation having been had thereon,

It is ordered that the motion and appeal are deemed withdrawn, the underlying matter 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 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Angela M. Mazzaelli  
David B. Saxe  
Eugene Nardelli  
John T. Buckley, Justices.

-----X  
Christopher Jorgensen,  
Plaintiff-Appellant,

-against-

M-6027  
Index No. 13163/02

New York Foundation for Senior Citizen  
Guardian Services, Inc., et al.,  
Defendants-Respondents.

-----X

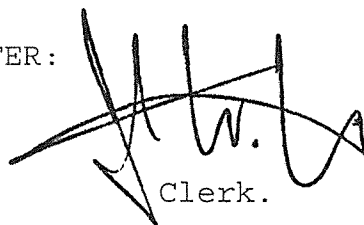
An appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about October 27, 2008,

And defendants-respondents having moved for an order dismissing the aforesaid appeal or for alternative relief,

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

Ordered that the motion is granted to the extent of directing plaintiff to file a supplemental appendix containing all photographic exhibits admitted at trial and the jury verdict sheet within 10 days of the date of entry hereof. The appeal is adjourned to the April 2009 Term. Upon appellant's failure to so comply, respondents may move on notice to dismiss the appeal.

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 22, 2009.

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

-----X  
Kevin Weems,  
Plaintiff-Appellant,

-against-

M-5870  
Index No. 404739/06

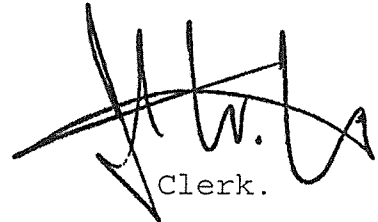
The City of New York, et al.,  
Defendants-Respondents.  
-----X

Plaintiff-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 November 10, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondents and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. Appellant's time in which to perfect the appeal is enlarged to 120 days from the 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 January 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X .

Theodore Cantey,  
Plaintiff-Appellant,

M-5856  
Index No. 250849/08

-against-

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

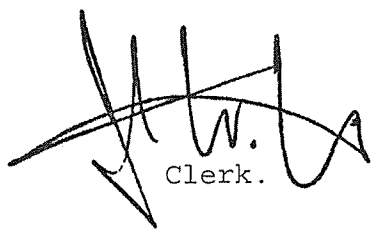
-----X

Plaintiff-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered 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 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 upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The time in which appellant shall perfect the appeal is enlarged until 120 days from the date of the filing of the record. So much of the motion which seeks the assignment of counsel 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 22, 2009.

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

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

-against-

M-5858  
Ind. No. 5540/07

Ricardo Flores,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 1, 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,

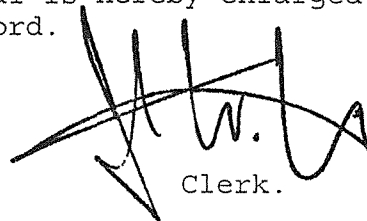
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 January 22, 2009.

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

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

-against-

M-6004  
Ind. No. 1020/07

Christian Melendez, also known as  
Cristian Melendez,  
Defendant-Appellant.

-----x

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

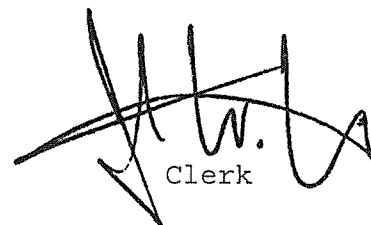
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X

Deborah Nordell Golish,

Plaintiff-Respondent,

-against-

M-5700

Index No. 350382/06

Steven D. Golish,

Defendant-Appellant.

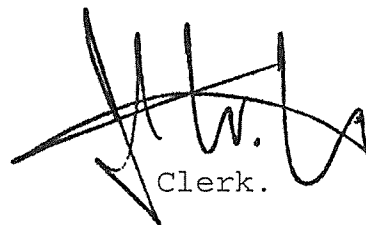
-----X

Defendant-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 November 5, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 22, 2009.

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

-----X  
Violetta Khotyanova,  
Plaintiff-Appellant,

-against-

M-5850  
Index No. 27130/02

New York Community Hospital & Merab  
Krikhely, M.D.,  
Defendants-Respondents.

-----X

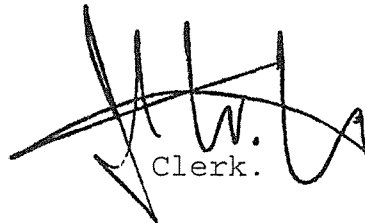
An order of this Court having been entered on November 6, 2008 (M-4462) denying plaintiff-appellant's motion for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about June 18, 2008, and for related relief,

And plaintiff-appellant having moved for reconsideration of the aforesaid order (M-4462),

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 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 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice  
Richard T. Andrias  
David Friedman  
John T. Buckley  
Rolando T. Acosta, Justices.

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

-against- M-5890  
Ind. No. 2923/04

Apolinar Roque,  
Defendant-Appellant.

-----X

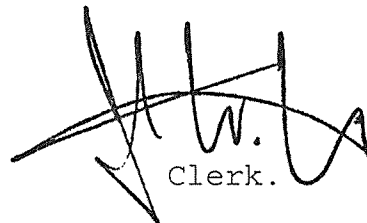
An order of this Court having been entered on November 20, 2008 (M-4438), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about July 23, 2008,

And assigned counsel, Richard M. Greenberg, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 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 22, 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-4979

Ind. No. 2365/71

Gonzales Medina,

Defendant-Appellant.

-----X

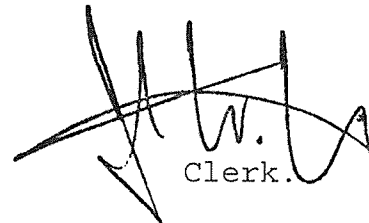
A decision and order of this Court having been entered on February 27, 1975 (Appeal No. 1956), unanimously affirming the judgment of the Supreme Court, Bronx County (William Kapelman, J.), rendered on March 2, 1973,

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 the correspondence from defendant filed on December 15, 2008, and due deliberation having been had thereon,

It is ordered that said application 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 January 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
John T. Buckley  
Rolando T. Acosta, Justices.

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

-against-

M-5828  
Ind. No. 7034/04

Joselin Perez,  
Defendant-Appellant.

-----X

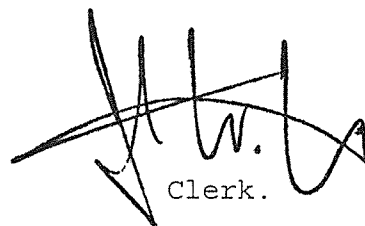
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 14, 2005,

And defendant-appellant having moved for leave to file a pro se supplemental appendix and brief, to be provided with certain surveillance videotapes and sealed minutes by the Supreme Court, New York County, 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 each of a pro se appendix, limited only to material that is part of the record or has already been provided to defendant's counsel at trial, and a 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 appendix and brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned. So much of defendant's motion which seeks the provision of certain videotapes and sealed minutes is denied. The Clerk of the Supreme Court, New York County, is directed to transmit said videotapes and sealed minutes to this Court for *in camera* review of said materials.

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 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X  
In the Matter of

Nikeerah S.,

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

M-5705  
Docket No. B15643/06

-----  
Hale House Center, Inc.,  
Petitioner-Respondent,

Barbara S.,  
Respondent-Appellant.

-----  
Dawn O'Brien-Gans, Esq.,  
Law Guardian for the Child.

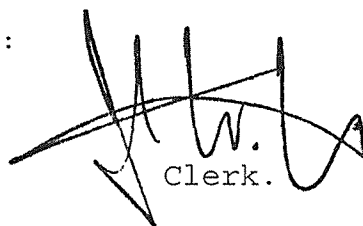
-----X

Petitioner-respondent having moved to dismiss the appeal taken from the order of the Family Court, New York County, entered on or about October 1, 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 denied and appellant's time in which to perfect the appeal is enlarged to on or before February 23, 2009 for the May 2009 Term for which Term counsel is directed to so perfect.

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 22, 2009.

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

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

Thomas S., M-5725  
Petitioner-Respondent, Docket Nos. V16893/05  
-against- V16894/05  
V16895/05

Latisha S.,  
Respondent-Appellant.

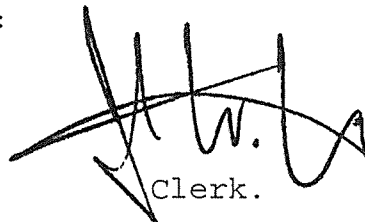
-----  
Martha Schneiderman, Esq.,  
The Children's Law Center,  
Law Guardian-Appellant.  
-----X

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before February 23, 2009 for 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 22, 2009.

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

-----X  
Nikelma N., as Mother and Natural  
Guardian of Bryan V., an infant  
and Nikelma N., individually,  
Plaintiffs-Appellants,

-against-

M-5749  
Index No. 22836/04

City Pet Care, Inc. and  
Donna Hixson,  
Defendants-Respondents.

-----X  
City Pet Care, Inc.,  
Third-Party Plaintiff,

-against-

Third-Party  
Index No. 84499/05

Melvin Ramirez,  
Third-Party Defendant.

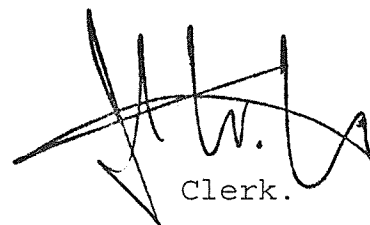
-----X

Plaintiffs having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about January 30, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before February 23, 2009 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 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X

Kisha Mickens, et al.,

Plaintiffs-Appellants,

-against-

M-5779

Index No. 17260/06

Omar Khalid, et al.,

Defendants-Respondents.


-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about December 18, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal 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 22, 2009.

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

-----X  
Alice Delacruz, et al.,  
Plaintiffs-Appellants,

-against-

M-5889  
Index No. 14302/01

The Port Authority of New York  
and New Jersey, et al.,  
Respondents-Respondents.

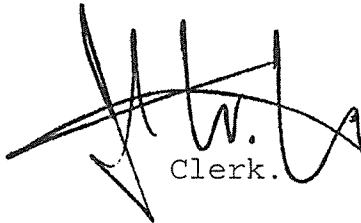
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, Bronx County, entered on or about March 24, 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 said appeal to on or before February 23, 2009 for 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 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X

James Lastra,

Plaintiff-Appellant,

-against-

M-5941  
Index No. 1468/07

Columbia University, et al.,

Defendants-Respondents.

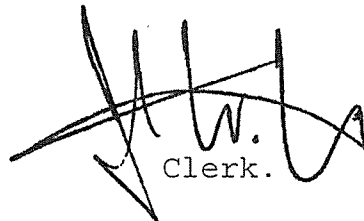
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about November 14, 2007,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal 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 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
John T. Buckley  
Helen E. Freedman, Justices.

-----X

Helen Brook,

Plaintiff-Respondent,

-against-

M-6106

Index No. 107439/07

Overseas Media, Inc.,

Defendant-Appellant.

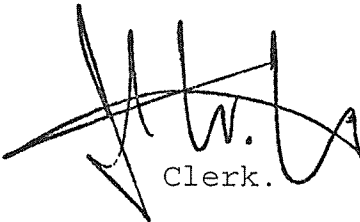
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about March 13, 2008 (mot. seq. no. 003),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect 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 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X  
In the Matter of the Application of  
the Public Administrator of the  
County of New York, as Administrator  
d.b.n. of the Estate of Martin Lassoff,  
Deceased,

Petitioner-Respondent,

-against-

M-6014  
Surrogate's Court  
File No. 1597-2007

Max Cohen,  
Respondent-Appellant.

-----X

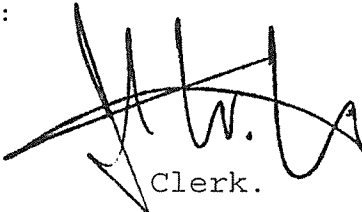
An appeal having been taken from the order of the Surrogate's Court, New York County, entered on or about November 5, 2008,

And respondent-appellant having moved to stay enforcement of the aforesaid order, 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 granted on condition that the appeal is perfected on or before February 23, 2009 for the May 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that petitioner-respondent serves a copy of this order upon respondent-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 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X  
Delhi Construction Corp.,  
Plaintiff-Appellant,

-against-

M-5732  
Index No. 606019/98

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

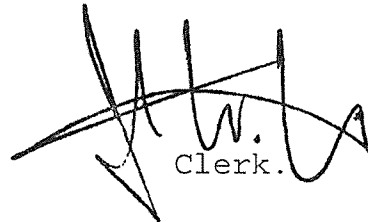
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 26, 2007,

And Larry B. Hollander, Esq., Hollander & Strauss, LLP, having moved to withdraw as counsel for plaintiff, for an enlargement of time in which plaintiff may perfect said 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 to withdraw as counsel is granted on condition counsel for plaintiff serves a copy of this order upon all parties within 10 days of the date of entry hereof. Plaintiff's time in which to perfect the appeal is enlarged to on or before March 23, 2009 for the June 2009 Term.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on January 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Richard T. Andrias  
David Friedman  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X  
Nathaniel Storch,

Plaintiff-Respondent,

-against-

M-5922  
Index No. 301824/08

Rachel Heller Storch,

Defendant-Appellant.  
-----X

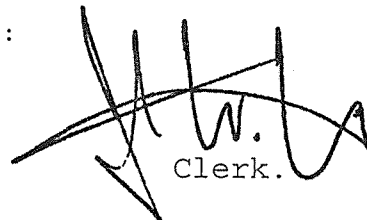
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 17, 2008 (mot. seq. no. 001),

And defendant-appellant having moved for a stay of further proceedings in Supreme Court, including 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 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
David B. Saxe  
David Friedman  
John W. Sweeny, Jr.  
Rolando T. Acosta, Justices.

-----X

In the Matter of the Application of

Shirley E. Daniels,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-5864  
Index No. 401018/08

New York City Housing Authority,  
Respondent-Respondent.

-----X

An order of this Court having been entered on November 6, 2008 (M-4724), denying petitioner leave to prosecute, as a poor person, the appeal taken from the order of the Supreme Court, New York County, entered on or about August 19, 2008 (mot. seq. no. 001),

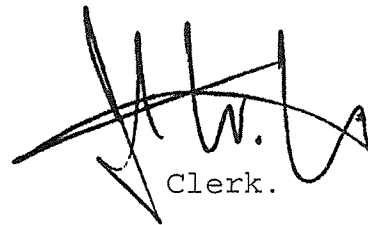
And petitioner having moved for reargument of the aforesaid order of this Court,

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 petitioner is directed to perfect the appeal on or before March 23, 2009 for the June 2009 Term. Petitioner-appellant is permitted to prosecute the appeal upon the original record and upon a

reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and files 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

ENTER:

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

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 22, 2009.

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

-----X  
Helen Sanchez,  
Plaintiff-Appellant-Respondent,

-against-

M-5784  
Index No. 25465/02

Morrisania II Associates, et al.,  
Defendants-Respondents-Appellants.  
-----X

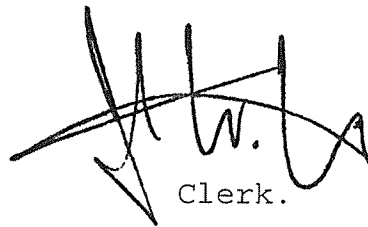
An appeal and cross appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about May 31, 2007,

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

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 and cross appeal to the May 2009 Term. The attention of the parties is directed to Rule 600.11(d) of this Court with respect to a joint record and costs thereof.

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 22, 2009.

Present: Hon. Jonathan Lippman, Presiding Justice,  
Luis A. Gonzalez  
Eugene Nardelli  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X  
The People of the State of New York  
ex rel. William Allen,  
Petitioner-Appellant,

-against-

M-4266  
Index No. 75077/06

Warden, Rikers Island, et al.,  
Respondents-Respondents.

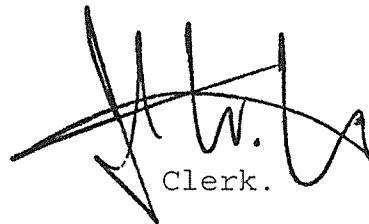
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about May 24, 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 dismissed as moot, the appeal having been perfected for the February 2009 Term. (See M-3895 entered November 20, 2008, a copy of which is annexed hereto.)

ENTER:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 20, 2008.

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

-----X  
The People of the State of New York  
ex rel. William Allen,  
Petitioner-Appellant,

-against-

M-3895  
Index No. 75077/06

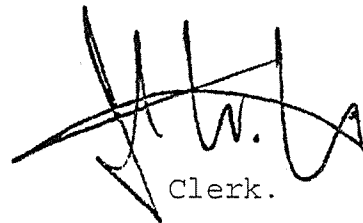
Warden, Rikers Island, et al.,  
Respondent-Respondent.  
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about May 24, 2007,

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to on or before December 8, 2008 for the February 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 January 22, 2009.

PRESENT - Hon: Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz, Justices.

-----X  
Charles Khoury, et al.,  
Plaintiffs-Appellants,

-against-

M-5949  
Index No. 7918/07

Katharine Khoury, individually and as  
Executor of the Estate of Ramiz J.  
Khoury, deceased,  
Defendant-Respondent.

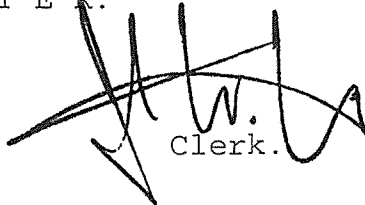
-----X

Defendant-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 4, 2008, or for alternative relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated December 11, 2008 from movant's counsel, and due deliberation having been had thereon,

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 22, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Luis A. Gonzalez  
Eugene Nardelli  
Dianne T. Renwick, Justices.

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

-against-

M-5878  
Ind. No. 12033/95

Ramon Lebron,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of **resentence** of the Supreme Court, New York County, rendered on or about October 28, 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,

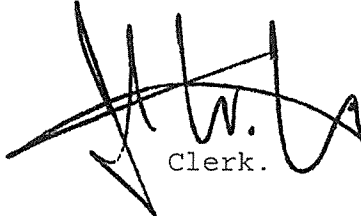
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 **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 22, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Luis A. Gonzalez  
Eugene Nardelli  
Dianne T. Renwick, Justices.

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

-against-

M-6001  
Ind. No. 5779/06

Andre Belcon,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 30, 2007, and for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

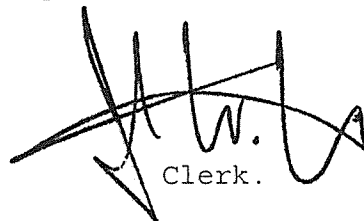
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 22, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Luis A. Gonzalez  
Eugene Nardelli  
Dianne T. Renwick, Justices.

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

-against-

M-5987  
Ind. No. 10567/98

Rafael Valentin  
Defendant-Appellant.

-----X

Defendant having moved for leave appeal to this Court from the order of the Supreme Court, New York County (Daniel Fitzgerald, J.) entered on or about October 31, 2008, for leave to prosecute said appeal as a poor person, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

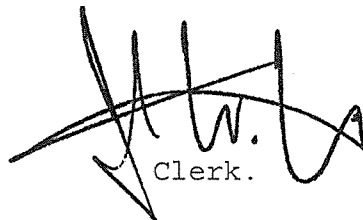
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, and 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 Fitzgerald 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 22, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzaelli  
Luis A. Gonzalez  
Eugene Nardelli  
Dianne T. Renwick, Justices.

-----X  
In the Matter of the Application of  
Phyllis Reaves,  
Petitioner,

For a Judgment Pursuant to Article  
78 of the CPLR,

M-5944  
Index No. 406855/07

-against-

Shaun Donovan, as Commissioner of the  
Department Housing Preservation and  
Development of the City of New York  
and Riverside Park Community LLC and  
RVSDE Park II,  
Respondents.

-----X

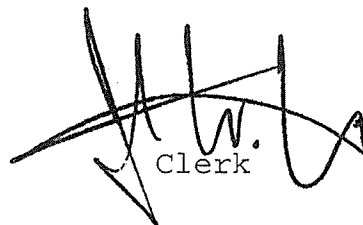
An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about June 30, 2008 (mot. seq. no. 001), to review a determination of respondents,

And petitioner having moved for an order restraining respondents Riverside Park Community LLC and RVSDE Park II from taking any action with respect to eviction of petitioner based upon the termination of petitioner's Section 8 subsidy, pending hearing and determination of the aforesaid proceeding,

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 petitioner is directed to perfect the proceeding on or before March 23, 2009 for the June 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 22, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Luis A. Gonzalez  
Eugene Nardelli  
Dianne T. Renwick, Justices.

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

-against- M-6029  
Ind. No. 3261/07

Raymond Sprinkler,  
Defendant-Appellant.

-----X

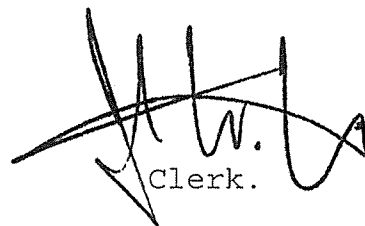
An order of this Court having been entered on August 19, 2008 (M-3411) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 4, 2008,

And assigned counsel, Steven Banks, Esq., having moved for an order to be relieved as counsel for defendant and to substitute other counsel to prosecute defendant's 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 striking the designation of assigned counsel Steven Banks, 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 22, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
Luis A. Gonzalez  
Eugene Nardelli  
Dianne T. Renwick, Justices.

-----X  
Donna M. Hughes,  
Plaintiff-Respondent,

-against-

M-5980  
Index No. 101633/04

Paul F. Farrey,  
Defendant-appellant.  
-----X

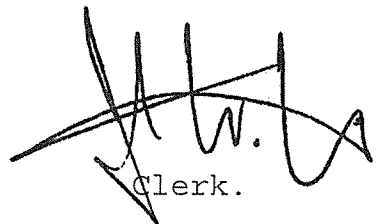
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about April 22, 2008,

And S. Tito Sinha, Esq., Alterman & Boop LLP, having moved to withdraw as counsel for plaintiff-respondent without prejudice to its rights to a charging lien,

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 allowing counsel to withdraw upon condition all parties are served with a copy of this order within 10 days of the date of entry hereof, and without prejudice to further proceedings in Supreme 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 22, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Luis A. Gonzalez  
Eugene Nardelli  
Dianne T. Renwick, Justices.

-----X  
Judd Rubin,  
Plaintiff-Appellant,

-against-

M-5848  
Index No. 112489/05

SMS Taxi Corp., et al.,  
Defendants-Respondents.

-----X

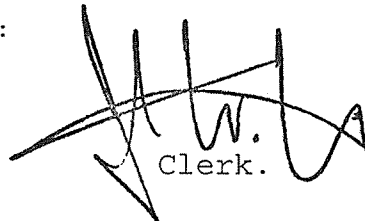
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 11, 2008 (mot. seq. no. 001),

And defendants-respondents having moved for dismissal of plaintiff's appeal for failure to timely perfect,

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, an order of this Court having been entered on December 30, 2008 (M-5400), enlarging plaintiff's time in which to perfect the aforesaid appeal 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 January 22, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzairelli  
Luis A. Gonzalez  
Eugene Nardelli  
Dianne T. Renwick, Justices.

-----X  
Eyal Zabari individually and as  
Stockholder of Zed USA inc.  
506 Broadway Inc and Prince  
Fashions,  
Plaintiff-Respondent,

-against-

M-6098  
Index No. 601352/08

Doron Zabari, et al.,  
Defendants-Appellants.

-----X

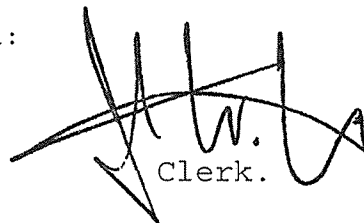
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 3, 2008 (mot. seq. no. 001),

And defendants-appellants having moved for a stay of enforcement 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 22, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
James M. Catterson  
Karla Moskowitz, Justices.

-----X  
Alexis I. Du Pont - De Bie, Sr.,  
Plaintiff-Appellant,

-against-

M-5857  
Index No. 100423/06

Tredegar Trust Company, et al.,  
Defendants-Respondents.  
-----X

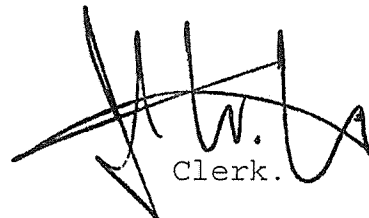
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 3, 2008 (mot. seq. nos. 002 and 004),

And defendants-respondents having moved for an order striking appellant's record on appeal with leave to re-file a corrected record on the grounds that it contains material de hors the record, and for related relief,

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

Ordered that the motion is granted to the extent of directing plaintiff-appellant to file a supplemental record on appeal, to include Exhibits 1 and 3 to the affirmation of Jennifer S. Recine, Esq., dated December 9, 2008, annexed to the moving papers, within 10 days after the date of entry hereof and the appeal is adjourned to the April 2009 Term. The motion is otherwise denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 22, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Karla Moskowitz, Justices.

-----X  
In the Matter of the Application of  
Michael Yovino,  
Petitioner-Appellant,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-5943  
Index No. 116535/06

The New York City Civil Service  
Commission,  
Defendant-Respondent.

-----X


An order of this Court having been entered on November 13, 2008 (M-4810), inter alia, dismissing petitioner-appellant's appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 7, 2007 (mot. seq. no. 001),

And petitioner-appellant having moved for reargument of the aforesaid motion (M-4810),

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 22, 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-4271  
Ind. No. 1856/76

Ralph Scott,  
Defendant-Appellant.

-----X

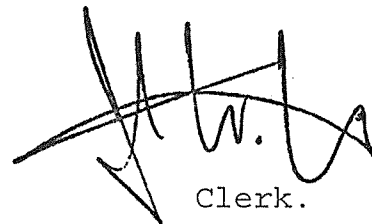
A decision and order of this Court having been entered on April 19, 1983 (Appeal No. 16123/24), modifying the judgment of the Supreme Court, New York County (Scott, J.), rendered on July 25, 1977, and affirming the judgment of the Supreme Court, Bronx County rendered on or about May 12, 1978,

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 correspondence from defendant-appellant dated December 28, 2008, with respect to the motion, and due deliberation having been had thereon,

It is ordered that said application 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 in the County of New York on January 22, 2009.

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

-----X  
Jonathan R. Steinberg,  
Plaintiff-Appellant,

-against-

M-5689  
Index No. 114728/99

Queens Import Motors, et al.,  
Defendants-Respondents.  
-----X

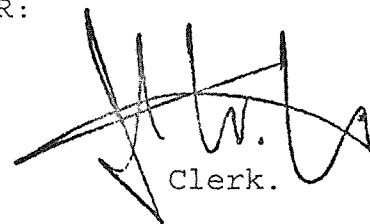
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 25, 2008 (mot. seq. no. 010),

And plaintiff-appellant having moved for a stay of further proceedings in Supreme Court including an attorney fee hearing, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court dated November 28, 2008 is vacated.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 22, 2009.

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

-----X

In the Matter of the Application of

Debra Ann Mazaras,

Petitioner-Appellant,

M-5819

Index No. 114618/06

For a Judgment, etc.,

-against-

Raymond Kelly, etc., et al.,

Respondents-Respondents.

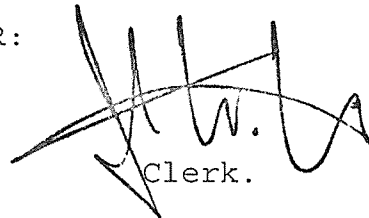
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 19, 2007 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 22, 2009.

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

-----x  
In the Matter of a Proceeding for  
Custody and/or Visitation Pursuant to  
Article 6 of the Family Court Act,

Gary Christopher B.,  
Petitioner-Respondent,

M-5885  
Docket Nos. V6582/07  
V11371/07

-against-

Sandra Ivette M.,  
Respondent-Appellant.

-----x

An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about August 20, 2008,

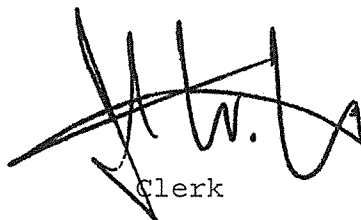
And an order of a Justice of this Court dated October 10, 2008, having granted respondent-appellant a stay of the aforesaid order of Family Court on condition the appeal be perfected for the February 2009 Term,

And respondent-appellant having moved for a continuation of the stay granted by the order dated October 10, 2008, and for a further enlargement of time in which to perfect the appeal,

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

It is ordered that the motion is granted to the extent of continuing the stay and enlarging appellant's time in which to perfect the appeal to the May 2009 Term for which term appellant is directed to so perfect.

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 22, 2009.

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

-----X  
In the Matter of

The City of New York,

Petitioner-Appellant,

M-6025

Index No. 404661/06

For a Judgment, etc.,

-against-

Antonia C. Novello, as Commissioner  
of the New York State Department of  
Health, and the New York State  
Department of Health,

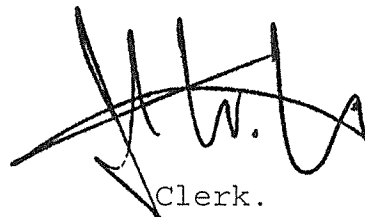
Respondents-Respondents.  
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about January 9, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 22, 2009.

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

-----X  
GFI Securities, LLC,  
Petitioner-Appellant,

-against-

M-5702 & M-5946  
Index No. 601183/08

Tradition Asiel Securities, Inc.,  
et al.,  
Respondents-Respondents.

-----X  
Michael McDevitt,  
Petitioner-Respondent,

-against-

Index No. 105584/08

GFI Securities, LLC,  
Respondent-Appellant.

-----X  
Lainee Steinberg,  
Petitioner-Respondent,

-against-

Index No. 601187/08

GFI Securities, LLC,  
Respondent-Appellant.

-----X  
Russell Wallack,  
Petitioner-Respondent,

-against-

Index No. 105575/08

GFI Securities, LLC,  
Respondent-Appellant.

-----X

-----X  
 Michael Babcock,  
 Petitioner-Respondent,

-against-

Index No. 105466/08

GFI Securities, LLC, et al.,  
 Respondents-Appellants.

-----X  
 Donald P. Fewer,  
 Plaintiff-Respondent,

-against-

Index No. 601099/08

GFI Group Inc., et al.,  
 Defendants-Appellants.

-----X

Six separate appeals having been taken from the orders of the Supreme Court, New York County, each entered on or about July 29, 2008 (mot. seq. no. 001),

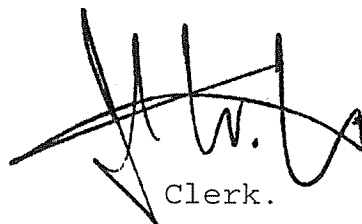
And the above-named GFI appellants having moved for consolidation of the aforesaid appeals (M-5702),

And the respective respondents having jointly cross-moved for dismissal of the aforesaid appeals (M-5946),

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 respective GFI appellants to prosecute the consolidated appeals upon 10 copies of one record and upon one set of appellant's points covering said appeals. 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 January 22, 2009.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-5787

Ind. No. 3809/06

Hayrol Garcia, also known as Garcia  
Hayrol,

Defendant-Appellant.

-----X

Assigned counsel having moved for an order dismissing defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about January 29, 2007, without prejudice to reinstatement at such time appellant again becomes amenable to the jurisdiction of this Court,

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 appeal 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 January 22, 2009.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,  
David Friedman  
Luis A. Gonzalez  
John T. Buckley  
John W. Sweeny, Jr., Justices.

-----X  
Ibrahim Diallo,  
Plaintiff-Appellant,

-against-

M-6139  
Index No. 15044/04

Grand Bay Associates Enterprises, Inc.,  
Defendant-Respondent.  
-----X

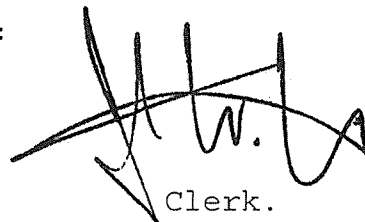
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 10, 2008,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal, a modification of expense allocation, and 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 only to the extent of enlarging the time in which to perfect the appeal to on or about March 23, 2009 for the June 2009 Term, upon the terms and conditions contained in the prior order of this Court entered on November 25, 2008 (M-4939) and allowing plaintiff-appellant to deposit the monthly use and occupancy fee of \$750 into Court. The motion is otherwise denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 22, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
James M. McGuire  
Karla Moskowitz  
Dianne T. Renwick, Justices.

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

-against-

M-5918  
Ind. No. 4522/07

Victor Gonzalez,  
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 8, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

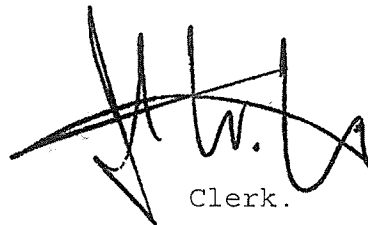
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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, Tel. No. (212) 577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 22, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Luis A. Gonzalez  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Evelis Altagracia Gaston Pichardo  
also known as Evelis Gaston, also known  
as Evelyn Gaston, Ivan De Los Santos  
Melo Tejada, individually and as  
father and natural guardian of  
Ivan Melo Gaston, an infant under the  
age of 14 years,  
Plaintiffs-Appellants,  
  
-against-

M-5988  
Index No. 21723/06

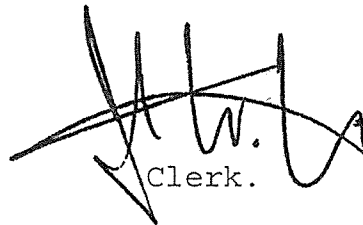
Kamran Tabaddor, M.D. and New York  
Neuroscience Institute, P.C.,  
Defendants-Respondents.  
-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about December 26, 2007,

Now, upon reading and filing the papers with respect to the motion, and the correspondence dated January 6, 2009, from movants' counsel, and due deliberation having been had thereon,

It is ordered that the motion and the underlying appeal are 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 January 22, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,  
Luis A. Gonzalez  
John W. Sweeny, Jr.  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Quintero Adonicam,  
Plaintiff,

-against-

M-5622  
Index No. 113843/05

Antonio Johnson,  
Defendant,

Calvin Peters,  
Defendant,

Scott Gale, Esq.,  
Non-Party Appellant,

Lynn M. Dukette, Esq.,  
Non-Party Respondent.

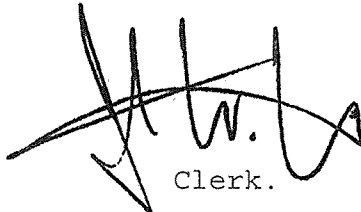
-----X  
Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about June 5, 2008 (mot. seq. no. 005) and on or about October 10, 2008 (mot. seq. no. 009), respectively,

And Scott Gale, Esq. non-party appellant attorney for plaintiff having moved for a stay of the sanction order entered on or about June 5, 2008 and of eviction proceedings regarding the plaintiff pending hearing and determination of the aforesaid appeals,

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

Ordered that the motion is granted to the extent of staying the sanction order on condition non-party appellant perfects the appeals for the June 2009 Term for which Term movant is directed to so perfect. So much of the motion which seeks a stay of further eviction proceedings is granted for a period of 45 days from the date hereof and movant non-party attorney Gale is directed to serve a copy of this order upon all counsel and parties including any persons with an identifiable ownership interest in the subject premises within 10 days of the date of entry hereof.

E N T E R:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 22, 2009.

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

-----x  
Chrysoula Frangos,  
Plaintiff-Appellant,

-against-

M-41  
Index No. 106174/08

85<sup>th</sup> Estates Company,  
Defendant-Respondent.  
-----x

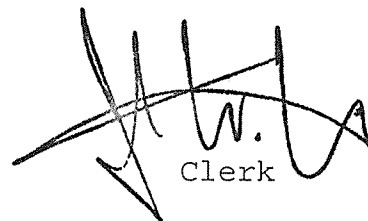
An appeal having been taken to this Court by plaintiff from the order of the Supreme Court, New York County, entered on or about August 19, 2008 (mot. seq. no. 001),

And plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal to on or before February 2, 2009 for the April 2009 Term,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties filed January 20, 2009 and due deliberation having been had thereon,

It is ordered that the motion and the underlying appeal are deemed withdrawn.

ENTER:

  
Clerk

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

BEFORE: Hon. John T. Buckley  
Justice of the Appellate Division

-----X  
In the Matter of the Application of  
Cal-Tran Associates, Inc.,  
Petitioner,

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

M-4997  
Index No. 100971/08

-against-

The City of New York, and Jannette  
Sadik-Khan, Commissioner of the  
New York City Department of  
Transportation and Successor to  
Iris Weinshall, former Commissioner,  
Respondent.

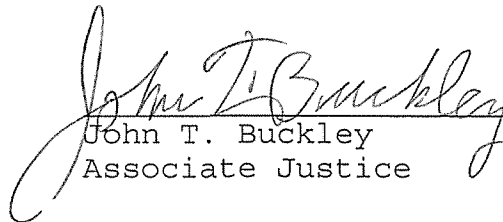
-----X

Respondents having moved, pursuant to CPLR 5701(c), for  
leave to appeal to this Court from the order of the Supreme  
Court, New York County, entered on or about September 17, 2008  
(mot. seq. no. 001), 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 denied.

Dated: New York, New York  
January 9, 2009

  
\_\_\_\_\_  
John T. Buckley  
Associate Justice

Entered: January 22, 2009

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

BEFORE: Hon. James M. Catterson  
Justice of the Appellate Division

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

M-161  
Ind. No. 1883/2003

-against-

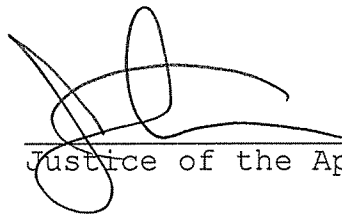
CERTIFICATE  
GRANTING LEAVE TO APPEAL  
TO THE COURT OF APPEALS

Brian Henderson,  
Defendant.

-----x

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

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



Justice of the Appellate Division

Dated: January 12, 2009  
New York, New York

ENTERED: January 22, 2009

\*Description of Order:

Supreme Court, Bronx County, entered on May 9, 2005.  
App. Div., Appeal No. 1832-1832A, Affirmed on April 15, 2008.

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