

At a 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 27, 2009.

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

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

-against-

M-101
Ind. No. 3928/07

Francisco Diaz-Torres,
Defendant-Appellant.

-----X

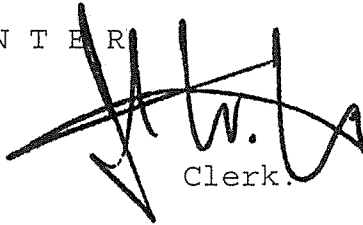
An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about June 16, 2008,

And defendant-appellant having moved to withdraw 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Ordered that the motion is granted and the appeal is deemed withdrawn.

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 27, 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-

Carl Francois,
Defendant-Appellant.

M-6030
Ind. No. 4969/07
352/08

-----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 July 31, 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,

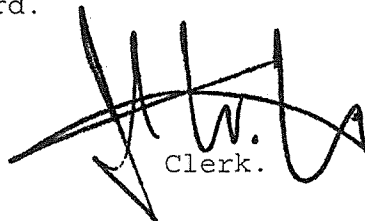
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 27, 2009.

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

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

-against-

M-6009
Ind. No. 164/75

Jose Lopez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about October 1, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

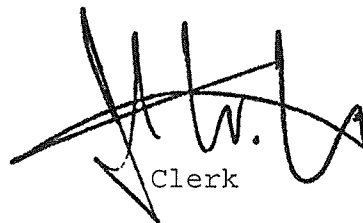
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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 upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to Sec 722 of the County Law. 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 27, 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-6000
Ind. No. 3299/07

Eric Barnes,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about September 26, 2008, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

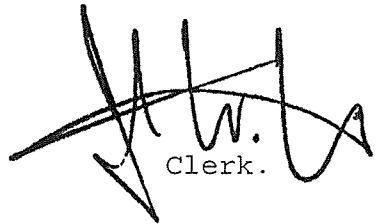
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 27, 2009.

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

-----X
Carlos Lopez,
Plaintiff,

-against-

M-5830
Index No. 22579/04

Post Management LLC, et al.,
Defendants.

-----X
Post Management LLC, et al.,
Third-Party Plaintiffs-Respondents,

-against-

Index No. 84852/05

Metcon Construction Corp., et al.,
Third-Party Defendants-Appellants,

Lea Electrical Corp., et al.,
Third-Party Defendants-Respondents.

-----X
[Fourth-Party Action]
-----X

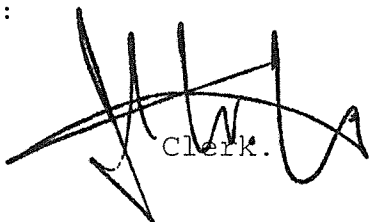
Index No. 85879/07
Severed Action

Defendants/third-party defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 17, 2008,

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

Ordered that the motion is denied and, sua sponte, the appeal is dismissed.

E N T E R:


clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

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

-----X
Mortgage Electronic Registration
Systems, Inc.,
Plaintiff-Respondent,

-against-

M-5977
Index No. 15295/00

Orinthia Gifford,
Defendant-Appellant,

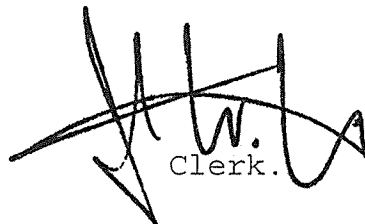
The New York State Commissioner of
Taxation and Finance; Rickey Joseph;
George Williams; Antonette Simpson,
Defendants.

-----X
Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about March 3, 2008,

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

Ordered that the motion is denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

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

-----X
Ruth Shomron, on behalf of
R&L Realty Associates, a New York
Partnership,
Plaintiff-Respondent,

-against-

M-6055
Index No. 102882/02

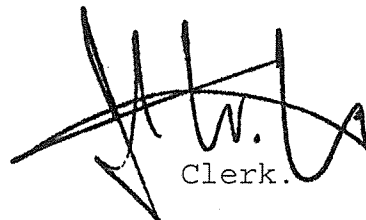
Ethel J. Griffin, Public
Administrator of New York County,
as Temporary Administrator of
the Estate of Yoram Fuks, Mali
Fuks, Gadi Hill, Trustee u/t/a
dated February 20, 1992, and
Greenland Holding Co., Ltd.,
Defendants-Appellants.

-----X
Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about September 27, 2006, and from the interlocutory judgment of said Court entered on or about November 28, 2006, respectively,

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

Ordered that the motion is granted to the extent of enlarging appellants' time in which to perfect the appeal to the September 2009 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 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-5892
Ind. No. 4800/05

William Gilman and Edward McNenney,
Defendants-Appellants.

-----X

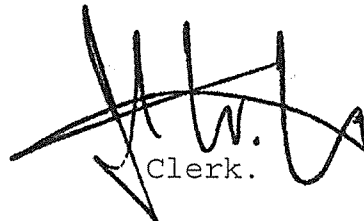
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 17, 2008,

And defendant-appellant William Gilman having moved for an order modifying the current conditions of his release to substitute an unsecured personal recognizance bond instead of the \$100,000 in cash bond currently securing his release,

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, cash bail heretofore posted is exonerated and defendants release pending hearing and determination of the appeal is continued upon his unsecured appearance bond in the amount of \$100,000.

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 27, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
John T. Buckley, Justices.

-----X
Nick Pavlou, et al.,
Plaintiffs-Respondents-Appellants,

-against-

The City of New York,
Defendant-Appellant-Respondent,

Simon-Ro Corporation,
Defendant/Third-Party Plaintiff,

M-5291
Index No. 101447/97

-against-

Felix Industries, Inc.,
Third-Party Defendant-Appellant.

[And Another Action]

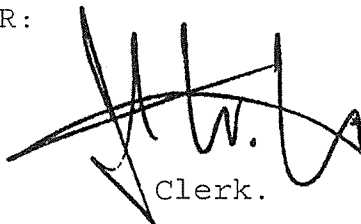
-----X

Plaintiffs-respondents-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 23, 2005 (Appeal Nos. 4605-4606),

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 27, 2009.

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

-----X
Robert Linen, et al.,
Plaintiffs-Appellants,

-against-

M-6100
Index No. 101144/07

The Hearst Corporation, et al.,
Defendants-Respondents.
-----X

Plaintiffs-appellants having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about October 9, 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 dismissing the appeal unless it is perfected for the June 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that defendants-respondents serve a copy of this order upon plaintiffs-appellants within 10 days from 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 27, 2009.

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

-----X
Alexander M. Frame,
Plaintiff-Respondent,

-against-

M-6006
Index No. 601736/04

Kenneth L. Maynard,
Defendant-Appellant,

5008 Broadway Associates, LLC
Defendant.

-----X
R.H. Guthrie, et al.,
Cross-Claimants Respondents,

-against-

Kenneth L. Maynard, et al.,
Defendants-Appellants.

-----X

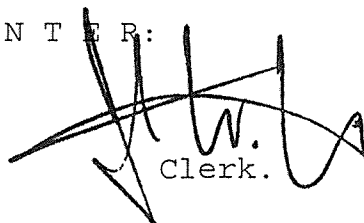
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about October 27, 2008,

And plaintiff-respondent having moved for a preference directing defendant-appellant to perfect the appeal for the May 2009 Term,

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 27, 2009.

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

-----X
Gerard A. Connolly,
Plaintiff-Appellant,

-against-

M-6189
Index No. 105224/05

Napoli, Kaiser & Bern, LLP, Paul J.
Napoli, Marc J. Bern, Gerald Kaiser
and Napoli Bern, LLC,
Defendants-Respondents.

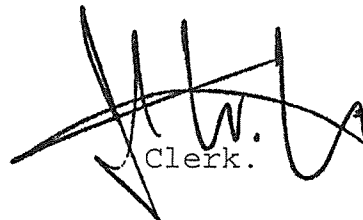
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about February 27, 2008 (mot. seq. no. 009),

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 June 2009 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

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

-----X
Senarh, S.A.,
Plaintiff-Respondent,

-against-

M-5188
Index No. 602387/06

Paul Morgan,
Defendant-Appellant.

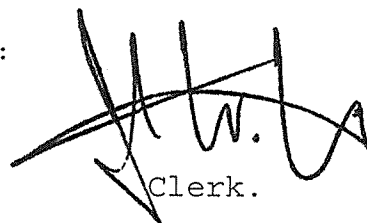
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 27, 2008, and the resulting judgment of said Court entered on or about June 10, 2008 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated October 31, 2008, and due deliberation having been had thereon, it is

Ordered that the cross 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 27, 2009.

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

-----x
Robin R. Owens,
Plaintiff-Respondent,

-against-

Stevenson Commons Associates, L.P. and M-215
Grenadier Realty Corp., M-257
Defendants-Appellants-Respondents, Index No. 14294/05

Mainco Elevator & Electrical Corp.,
Defendant-Respondent-Appellant,

-and-

Cambridge Security Services Corp.,
Defendant-Respondent.

-----x

An appeal and cross having been heard by this Court on January 21, 2009 (Appeal No. 5231), from the order of the Supreme Court, Bronx County, entered on or about November 1, 2007,

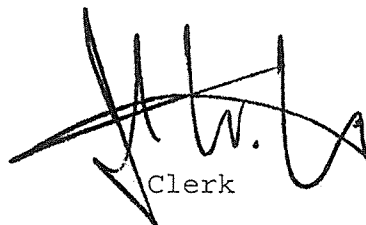
And defendant-respondent-appellant Mainco Elevator & Electrical Corp. having moved for a stay of trial pending determination of the appeal and cross appeal,

And defendants-appellants-respondents Stevenson Commons Associates, L.P. and Grenadier Realty Corp. having cross-moved for the aforesaid relief,

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

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

-----X

Halina Avery,

Plaintiff-Respondent,

-against-

M-6035

Index No. 109295/06

Molly Caldwell,

Defendant-Appellant.

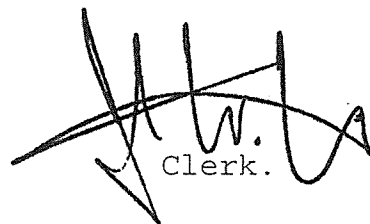
-----X

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 February 29, 2008 (mot. seq. no. 009),

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 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 27, 2009.

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

-----X
Lazar Gazivoda,

Petitioner-Landlord-Respondent,

-against-

M-3918
Index No. 570068/03

Heath Sherman,


Respondent-Tenant-Appellant.
-----X

Respondent-tenant-appellant having moved for reargument of the order of this Court entered on August 5, 2008 (M-2958),

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 27, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
Luis A. Gonzalez
Karla Moskowitz
Helen E. Freedman, Justices.

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

-against-

M-5998
Ind. No. 1020/07

Gabriel Tiribio,
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 July 16, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

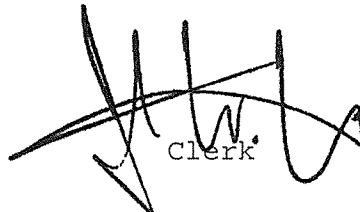
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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 27, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
David Friedman
Rolando T. Acosta, Justices.

-----X
Robert E. Kodsi,
Plaintiff-Appellant,

-against-

M-5110
Index No. 109620/07

Steven T. Gee, et al.,
Defendants-Respondents.

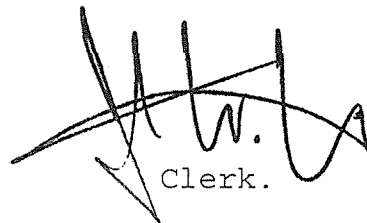
-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 18, 2008 (Appeal No. 4089N),

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 27, 2009.

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

-----X
Maneesha Jindal,
Plaintiff-Respondent,

-against-

M-5433
Index No. 350150/07

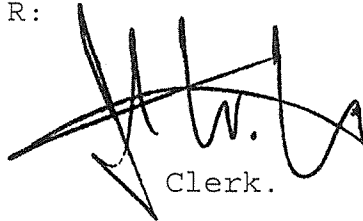
Sanjay Jindal,
Defendant-Appellant.
-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 18, 2008 (Appeal No. 4074),

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 27, 2009.

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

-----X
Markel International Insurance
Company, Ltd.,
Plaintiff-Respondent,

-against-

M-5608
Index No. 106443/05

The Grey Lake, Inc., trading as
Metro 53,
Defendant-Appellant,

Michelle Musto,
Defendant.

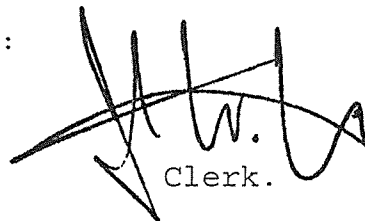
-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 25, 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 and the appeal is dismissed.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,
David Friedman
John T. Buckley
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Prospero Melo, et al.,
Plaintiffs-Appellants,

-against-

M-6057
Index No. 21567/06

Sergio Bautista,
Defendant-Respondent.

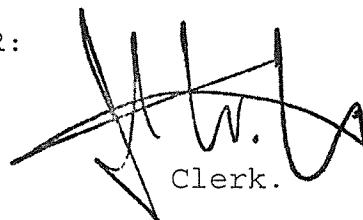
-----X

Defendant-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about February 11, 2008,

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

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

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

-----X
Sadia Spellman,
Plaintiff-Appellant,

-against-

M-6058
Index No. 106853/06

Luso Taxi Car Service of Rye Brook
NY, et al.,
Defendants-Respondents.

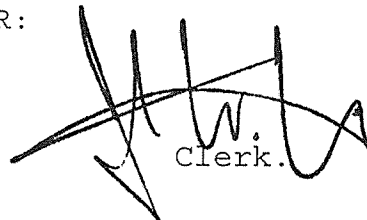
-----X

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about March 3, 2008 (mot. seq. no. 001),

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

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

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

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

Wai Man Mah, also known as Raymond
Mah, et al.,
Petitioners-Appellants,

M-6148
Index No. 116051/06

-against-

Helen Levy, Esq., etc., et al.,
Respondents-Respondents.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of a Justice of the Supreme Court, New York County, entered on or about February 22, 2007, to review a determination of respondents,

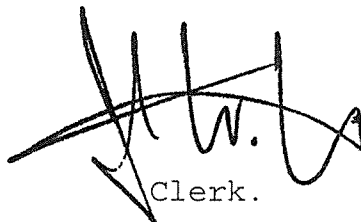
And an order of this Court entered on October 7, 2008 (M-4049), denying respondents-respondents' motion to dismiss the aforesaid proceeding with leave to renew, as indicated,

And respondents-respondents having renewed their motion for an order dismissing 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 denied with leave to renew upon the conditions contained in the aforesaid order of this Court entered on October 7, 2008 (M-4049).

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 27, 2009.

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

-----X
Teresa Ceron,
Plaintiff-Respondent,

-against-

M-5989
Index No. 16109/02

New York City Health and
Hospitals Corporation, et al.,
Defendants-Appellants.

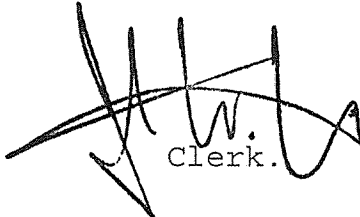
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 3, 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 appellants' time in which to perfect the appeal to the June 2009 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

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

-----X
Madison-68 Corp.,
Plaintiff-Appellant,

-against-

M-6005
Index No. 112820/04

David Malpass, et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, New York County, entered on or about April 11, 2008,

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the June 2009 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

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

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

Commissioner of Social Services
on behalf of

M-5971
Docket No. F16375/04

Maudlyn V. R.,
Petitioner-Assignor-Respondent,

-against-

Paul C.,
Respondent-Appellant.

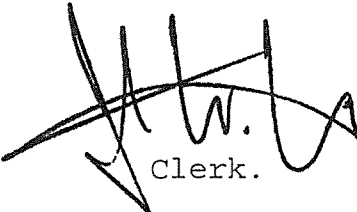
-----X

Respondent-appellant having moved for an enlargement of time in which to perfect the consolidated appeals taken from orders of the Family Court, New York County, entered on or about March 30, 2007 and August 19, 2008, respectively,

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 consolidated appeals to the September 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

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

-----X

In the Matter of the Petition
Pursuant to Article 78 of the
Civil Practice Law and Rules of,

Elsie Detres,
Petitioner-Respondent,

-against-

M-5213
Index No. 406500/07

New York City Housing Authority,
Respondent-Appellant.

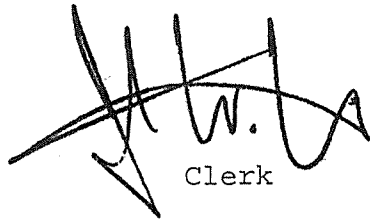
-----X

Respondent-appellant New York City Housing Authority having moved for leave to appeal to this Court from the interim orders of the Supreme Court New York County entered on or about January 24, 2008 and September 16, 2008, respectively, and for related relief,

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

It is ordered that the motion is granted to the extent of granting respondent agency leave to appeal the aforesaid orders of the Supreme Court and to stay any hearing with respect thereto. The stay of eviction previously afforded tenant is continued pending hearing and determination of 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 27, 2009.

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

-----X
Navarone Productions, N.V.,
Plaintiff-Respondent,

-against-

M-60
Index No. 600707/04

HSBC Gibbs Gulf Insurance Consultants Limited; HSBC Bank, individually, as escrowee and as successor in interest to Antony Gibbs International Insurance Brokers Limited, et al.,
Defendants.

-----X
Sony Pictures Entertainment, Inc.,
Interpleading Plaintiff,

-against-

(Interpleader Action)
Index No. 600707/04

Navarone Productions, N.V., et al.,
Interpleaded Defendants,

Eberhard Kuehl,
Interpleaded Defendant-Appellant.

-----X

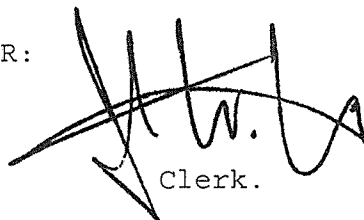
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 24, 2008 (mot. seq. no. 003),

And interpleaded defendant-appellant having moved for a stay of 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 the terms and conditions contained in the order of a Justice of this Court dated January 6, 2009.

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 27, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
Eugene Nardelli
John T. Buckley, Justices.

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

-against-

M-4713
Ind. No. 936/94

Amado Pichado, etc.,
Defendant-Appellant.

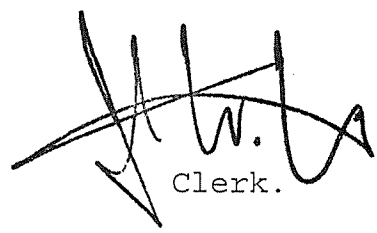
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on January 20, 2000 (Appeal No. 3154),

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 27, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
John T. Buckley
James M. Catterson, Justices.

-----X
In re Tuck-It-Away Associates, L.P.,
Petitioner-Respondent,

-against-

M-3601
Index No. 107368/07

Empire State Development Corporation,
Respondent-Appellant.

- - - - -

In re West Harlem Business Group,
Petitioner-Respondent,

-against-

Index No. 116839/06

Empire State Development Corporation,
Respondent-Appellant.

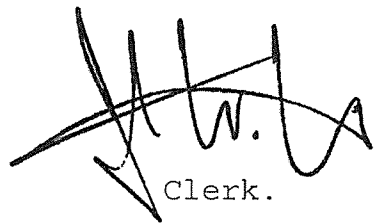
-----X

Respondent-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on July 15, 2008 (Appeal Nos. 2475-2476),

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 27, 2009.

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

-----X
Gladys Boston and Alfonso Boston,

Plaintiffs-Respondents,

-against-

M-6151
Index No. 24491/01

Clyde Weissbart, M.D., et al.,

Defendants,

The Jack D. Weiler Hospital of the
Albert Einstein College of Medicine,
etc., and Harold Kim, M.D.,

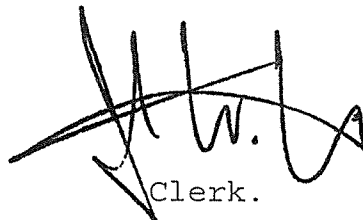
Defendants-Appellants.
-----X

Defendants-appellants 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 26, 2007,

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

It is ordered that the 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 27, 2009.

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

-----X
Erika Wiesel,

Plaintiff-Appellant,

-against-

M-5993
Index No. 111890/04

310 East 46 LLC,

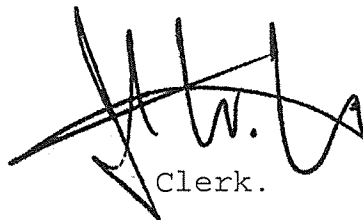
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 11, 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, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
John T. Buckley
James M. Catterson, Justices.

-----X
In re Terrace HealthCare Center, Inc.,
Petitioner-Appellant,

-against-

M-5439
Index No. 8754/06

Antonia C. Novello, M.D.,
Commissioner of Health for the
State of New York, et al.,
Respondents-Respondents.

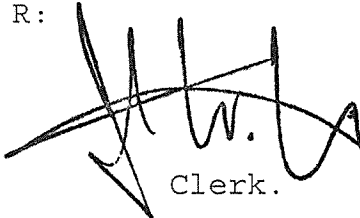
-----X

Petitioner-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 30, 2008 (Appeal No. 3508),

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 27, 2009.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X

In re Social Service Employees
Union, Local 371 on behalf of
its member Matthew Opuoru,
Petitioner-Respondent,

M-5994
Index No. 111201/06

-against-

City of New York Administration
for Children's Services,
Respondent-Appellant.

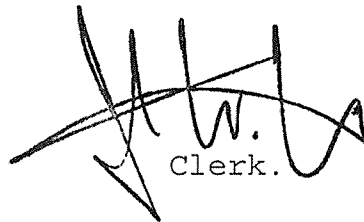
-----X

Petitioner-respondent having moved for leave to appeal granting of vacatur of arbitral award to the Court of Appeals from the decision and order of this Court entered on November 18, 2008 (Appeal No. 4572),

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 27, 2009.

PRESENT - Hon. David Friedman, Justice Presiding,
John T. Buckley
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
York Hunter Construction Services, Inc.,
Plaintiff-Appellant,

-against-

M-5843
Index No. 400641/06

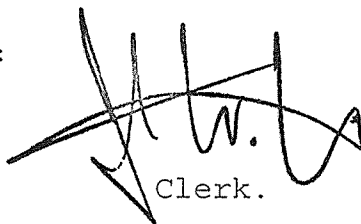
Parkview Plumbing & Heating, Inc., et al.,
Defendants-Respondents.
-----X

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about October 10, 2007 (mot. seq. no. 002),

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

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

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

PRESENT - Hon. David Friedman, Justice Presiding,
James M. McGuire
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Mary Stevenson-Misischia, as
Executrix of the Estate of
Mario Misischia,
Plaintiff-Appellant,

-against-

M-153
Index No. 600122/07

L'Isola D'Oro SRL, et al.,
Defendants-Respondents.
-----X

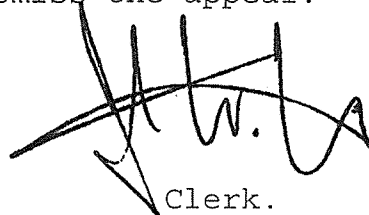
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 7, 2007,

And plaintiff-appellant having moved for an enlargement of time in which to re-file the appellant's brief,

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

Ordered that the motion is granted only to the extent of enlarging the time in which to re-file appellant's brief to on or before February 23, 2009 for the May 2009 Term. Upon failure to so re-file appellant's brief for said Term, defendants-respondents may move on notice to dismiss the appeal.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

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

-----X
1700 Broadway Co.,
Plaintiff-Appellant,

-against-

M-4963
Index No. 103794/07

Greater New York Mutual Insurance
Company,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on September 16, 2008 (Appeal Nos. 4056-4056A),

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

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-5532
Ind. No. 9553/93

-against-

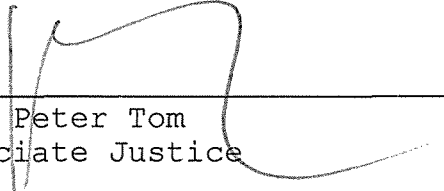
CERTIFICATE
DENYING LEAVE

Zhen Di Li,

Defendant.

-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 17, 2008 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: January 16, 2009
New York, New York

ENTERED

JAN 27 2009

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-3249
Ind. No. 504/01

-against-

CERTIFICATE
DENYING LEAVE

Rene Lisojo,

Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, Bronx County, (Joseph Fisch, J.), entered April 30, 2008, which denied defendant's motion pursuant to CPL 440.10, is hereby denied.

Dated: New York, New York
January 20, 2009

ENTERED

JAN 27 2009


Justice of the Appellate Division

STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

BEFORE: Hon. David B. Saxe
Justice of the Appellate Division

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

M- 5939
New York Co.
Indictment No.
9046/91

-against-

CERTIFICATE
DENYING LEAVE

Eugene Bush a/k/a Andrew Simms,

Defendant.
-----X

I, David B. Saxe, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about November 21, 2008, is hereby denied.

Dated: New York, New York


Justice of the Appellate Division

ENTERED

JAN 27 2009

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

BEFORE: Hon. KARLA MOSKOWITZ
Justice of the Appellate Division

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

M-5800
Ind. No. 4194-1983

-against-

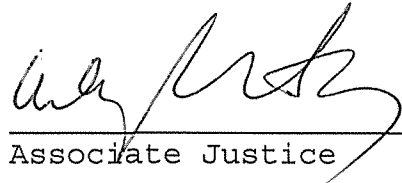
CERTIFICATE
DENYING LEAVE

Don Thomas aka Don Rankin

Defendant.

-----X

I, Karla Moskowitz, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 31, 2008, is hereby denied.



Associate Justice

Dated: _____, 2009
New York, New York

ENTERED: **JAN 27 2009**

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-5803
Ind. No. 181/95

-against-

CERTIFICATE
DENYING LEAVE

Edward Leary, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about October 22, 2008, is hereby denied.

Dated: New York, New York
January 13, 2009



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

JAN 27 2009

At a 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 27, 2009.

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

-----x
110 Amity Associates, LLC, et al.,

Plaintiffs-Respondents,

-against-

M-151
Index No. 106263/07

Grubbs & Ellis New York, Inc., et al.,

Defendants-Appellants.
-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about September 19, 2008,

And defendants-appellants having moved for an enlargement of the record on appeal, and for leave to strike portions of the respondents' brief,

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

It is ordered that the motion, to the extent it seeks an enlargement of the record on appeal, is denied. The motion, to the extent it seeks to strike portions of respondents' brief, is denied, without prejudice to appellants addressing the issue in the reply brief on or before January 30, 2009.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 27, 2009.

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

-----X
In the Matter of
Paul Bellman, M.D.,
Petitioner-Appellant,

-against-

New York State Department of
Health State Board for Professional
Medical Conduct,
Respondent-Respondent.

SEALED

M-149

Index No. 112101/08

-----X

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

And petitioner-appellant having moved for an order staying compliance with 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 appellant perfects the appeal to on or before **February 9, 2009** for the **April 2009 Term**. Respondent's brief to be served and filed on or before **March 11, 2009** and appellant's reply to be served on or before **March 20, 2009**.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on January 27, 2009.

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

-----X
Robert M. Morgenthau, District
Attorney of New York County,
Individually,
Plaintiff-Respondent,

M-5772
Index No. 400295/05

-against-

Premier Medical Care, P.C.,
et al.,
Defendants,

Victor Basbus, M.D.,
Defendant-Appellant.

-----X

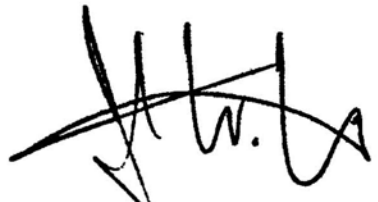
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 13, 2008 (mot. seq. no. 005),

And defendant-appellant having moved to stay a forfeiture proceeding, pending hearing and determination of the perfected appeal,

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

It is ordered that the motion is granted.

ENTER:


Clerk.