

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2009.

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

-----X
John Connolly,
Plaintiff-Respondent,

-against-

M-2704X
Index No. 603853/05

Payton Lane Nursing Home, Inc., et al.,
Defendants-Appellants,

Fairchild Realty Group, Ltd., et al.,
Defendants.

-----X
Payton Lane Nursing Home, Inc.,
Defendant-Third-Party Plaintiff,

-against-

Third-Party
Index No. 590462/07

Conair Corporation, Inc.,
Third-Party Defendant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 12, 2008 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 8, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 23, 2009.

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

-----X
Laxmi Diamond Pvt Ltd.,
Plaintiff-Respondent,

-against-

M-2706X
Index No. 601537/07

Doppelt & Greenwald Diamonds and
Brian Greenwald,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 23, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 8, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 23, 2009.

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

-----X
Black Nickel Vision Fund, LLC,
Plaintiff-Appellant,

-against-

M-2708X
Index No. 602395/08

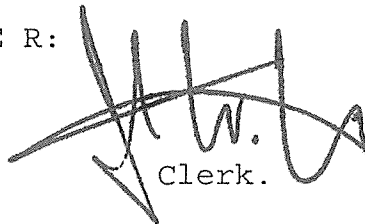
Industrial Enterprises of America,
Inc. and Sovereign Bank,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 17, 2009 (mot. seq. nos. 001 and 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 8, 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 June 23, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
Richard T. Andrias
Dianne T. Renwick, Justices.

-----X
Appalachian Insurance Company,
Plaintiff,

-against-

M-2277
Index No. 122807/96

Riunione Adriatic Di Sicurata, etc.,
et al.,
Defendants,

Century Indemnity Company, etc., et al.,
Defendants-Respondents,

General Electric Company,
Defendant-Appellant.
-----X

Defendant-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 17, 2009 (Appeal No. 63),

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 June 23, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David Friedman
Rolando T. Acosta, Justices.

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

-against-

M-107
Ind. No. 1007/04

Alfred Wilder,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 15, 2007 (Appeal No. 9711), unanimously affirming a judgment of the Supreme Court, New York County (Charles Tejada, J.), rendered on July 29, 2004,

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

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

It is ordered that said application is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
John T. Buckley
Rolando T. Acosta, Justices.

-----X
Catherine Crowley,
Plaintiff-Respondent,

-against-

M-1854
Index No. 350300/04

Daniel Ruderman,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 26, 2009 (Appeal No. 162),

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 June 23, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
David B. Saxe
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
Henderson Greaves,
Plaintiff,

-against-

M-2028
Index No. 107729/06

Obayashi Corporation, et al.,
Defendants-Appellants,

EIC Associates, Inc.,
Defendant,

Total Safety Consulting, LLC,
Defendant-Respondent.

- - - - -
Obayashi Corporation, et al.,
Third-Party Plaintiffs-Appellants,

EIC Associates, Inc.,
Third-Party Plaintiff,

-against-

Total Safety Consulting, LLC,
Third-Party Defendant-Respondent.

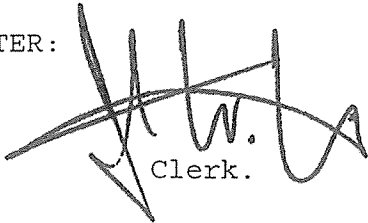
-----X

Defendant/third-party defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 23, 2009 (Appeal No. 402N), 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 June 23, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
James M. McGuire
Leland G. DeGrasse, Justices.

-----X
Miguel Andrade,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-2454
Index No. 400251/08

-against-

New York City Police Department,
Respondent-Respondent.

-----X

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

And an order of this Court having been entered on March 3, 2009 (M-389), denying petitioner leave to prosecute the aforesaid appeal as a poor person,

And an order of this Court having been entered on April 23, 2009 (M-1463) denying petitioner's motion for reargument of the aforesaid order of this Court (M-389),

And petitioner-appellant having moved for renewal of the aforesaid orders 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 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 June 23, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
John T. Buckley
Rolando T. Acosta, Justices.

-----X
Robert McCully,
Plaintiff-Appellant,

-against-

M-1938
Index No. 604416/06

Jersey Partners, Inc.,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 26, 2009 (Appeal No. 170),

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 June 23, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
In the Matter of

Wade Cox and Stephen A. Banks,
Plaintiffs-Appellants,

M-2402
Index No. 109681/07

-against-

Subway Surface Supervisors
Association and the New York
City Transit Authority,


Defendants-Respondents.
-----X

Plaintiffs-appellants 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 23, 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 October 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2009.

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

-----X
Steven B. Tanger,
Plaintiff-Appellant,

-against-

M-2204
Index No. 603217/07

114 East 32nd Realty Corporation,
et al.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 17, 2009 (Appeal No. 5253),

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 June 23, 2009.

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

-----X
In the Matter of the Adoption of a
Child Whose First Name is

Ezri,

- - - - -
Alba R.,
Petitioner-Respondent,

M-189B
Docket No. A-26343/07

-against-

Kimberly F.,
Respondent-Appellant.

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

-----X

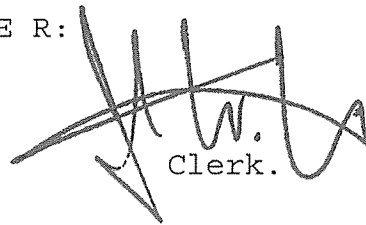
Respondent-appellant mother, Kimberly F., having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about December 11, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Dora Lassinger, Esq., 6 Howland Rd., East Rockaway, NY 11518, Telephone No. 516-887-8987, 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 therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. 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. The order of this Court entered on April 9, 2009 (M-189), is hereby recalled and vacated. (See M-189C, decided simultaneously herewith.)

E N T E R:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2009.

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

-----X
In the Matter of the Adoption of a
Child Whose First Name is

Ezri,

Alba R.,
Petitioner-Respondent,

M-189C
Docket No. A-26343/07

-against-

Kimberly F.,
Respondent-Appellant.

Steven Feinman, Esq.,
Law Guardian for the Child.

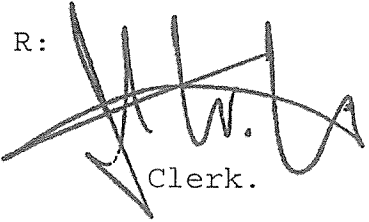
-----X

Robert A. Leder, Esq., Law Guardian counsel for the subject child Ezra having moved for the assignment of counsel to represent the child on the appeal taken by the respondent-appellant mother from the order of the Family Court, Bronx County, entered on or about December 11, 2008, and related relief,

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

Ordered that the motion is granted to the extent of assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Steven Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of responding to the appeal taken by respondent-appellant mother. The order of this Court entered on April 9, 2009 (M-189A), is hereby recalled and vacated. (See M-189B, 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 June 23, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-2466
Ind. No. 5994/07

Russell Clough,
Defendant-Respondent.

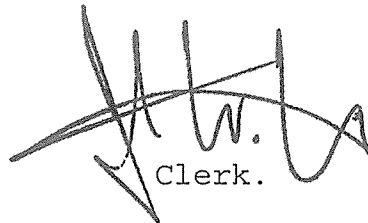
-----X

The People 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 June 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 enlarging the time in which to perfect the appeal to the October 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 June 23, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

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

James M., M-2498
Petitioner-Respondent, Docket No. V13227/00

-against-

Rosana R.,
Respondent-Appellant.
-----X

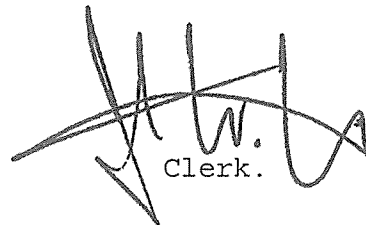
An appeal having been taken from the order of the Family Court, New York County, entered on or about July 17, 2008,

And respondent-appellant having moved for an order enlarging the time in which to perfect the appeal,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from appellant's counsel, dated June 8, 2009, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of enlarging to the November 2009 Term appellant's time in which to perfect 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 June 23, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
James M. Catterson
Helen E. Freedman, Justices.

-----X
Helmsley-Spear, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-474
Index No. 102590/06

Michael Fishman as President of SEIU,
etc., et al.,
Defendants-Appellants.

-----X

Plaintiffs-respondents having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 30, 2008 (Appeal No. 656N),

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 June 23, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
John W. Sweeny, Jr.
John T. Buckley
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-2437
Ind. No. 5529/07

D'Juan Collins,
Defendant-Appellant.

-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about August 15, 2008, having moved for leave to file a pro se supplemental brief and for related relief,

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

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

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 June 23, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Eugene Nardelli
James M. Catterson
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
In the Matter of the Application of
CPS 1 Realty LP,
Petitioner-Appellant,

-against-

M-2373
Index No. 114766/08

R.P. Brennan General Contractors
& Builders, Inc.,
Respondent-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 10, 2009 (mot. seq. nos. 001, 002 and 003),

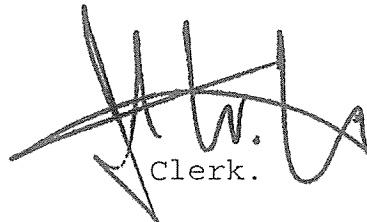
And an order of this Court having been entered on April 14, 2009 (M-1279) staying arbitration on condition the appeal is perfected for the September 2009 Term,

And respondent-respondent 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 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 June 23, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
James M. McGuire
Karla Moskowitz
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
In re Leonard Storch,
Petitioner-Appellant,

-against-

M-5664
Index No. 109353/06

New York State Division of Housing
and Community Renewal,
Respondent-Respondent.

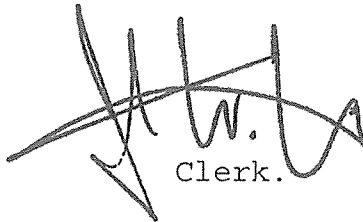
-----X

Petitioner-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 6, 2008 (Appeal No. 4508),

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 June 23, 2009.

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

-----X
Berkman Bottger & Rodd, LLP,
Plaintiff-Appellant,

-against-

M-2465
Index No. 600943/07

Stephanie O'Hara Moriarty,
Defendant-Respondent.
-----X

Defendant-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 22, 2009 (Appeal No. 5094),

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 June 23, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John T. Buckley
Leland G. DeGrasse, Justices.

-----X
Liberty Insurance Underwriters, Inc.,
Plaintiff-Appellant,

-against-

M-2290
Index No. 104396/08

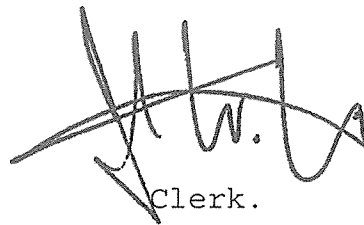
Arch Insurance Company, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 14, 2009 (Appeal No. 305),

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 June 23, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John T. Buckley
Leland G. DeGrasse, Justices.

-----X
Leonard Eidlisz,

Plaintiff-Appellant,

-against-

M-2156
Index No. 600105/05

New York University, et al.,

Defendants-Respondents.
-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 14, 2009 (Appeal No. 293), and pending appeal, a stay of enforcement of the aforesaid decision and order,

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

It is ordered that the motion, to the extent it seeks leave to appeal to the Court of Appeals, is denied. So much of the motion which seeks a stay of enforcement of the degree and diploma directives of the aforesaid decision and order is granted to the extent of staying defendants' compliance therewith for a period of 20 days from 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 June 23, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Sheila Abdus-Salaam, Justices.

-----X
Ngar Kuen Louie,
Plaintiff-Appellant,

-against-

M-2409
Index No. 570411/07

Berdar Equities Co., a Partnership
consisting of Eskandar Manocherian,
Bernice Manocherian and Donald
Manocherian,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about November 6, 2008,

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

It is ordered that the motion is denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

-against-

M-2422
Ind. No. 5221/00

Tobie Coleman,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Hon. Ronald A. Zweibel) entered on or about April 27, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

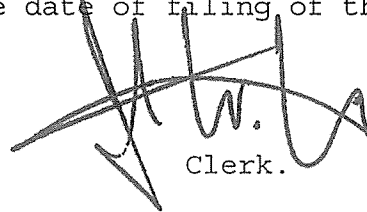
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

Ordered that the Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Zweibel 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 June 23, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-2358
Case No. 21094C/09

Tammy Lang,

Defendant-Appellant.

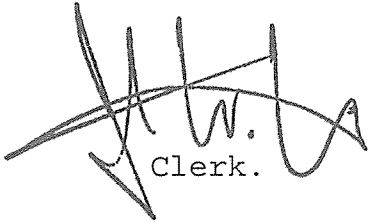
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 6, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), including the amount and source(s) of her income and listing her property with its value.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

-against-

M-2392
Case No. 57134C/06

Ronald Haley,
Defendant-Appellant.

-----X

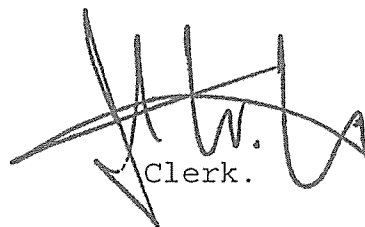
An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 21, 2007,

And Steven Banks, Esq., counsel for defendant, having moved for an order directing the Clerk of this Court to accept for filing the supplemental brief submitted with the moving papers,

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

Ordered that the motion is granted to the extent of deeming the supplemental brief submitted with the moving papers as timely filed for the November 2009 Term, to which Term the appeal is adjourned. Counsel for defendant is directed to immediately file 10 copies of said supplemental brief with the 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 June 23, 2009.

Present: Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
James M. Catterson
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Efraim Shurka,
Plaintiff-Appellant,

-against-

M-1996 & M-2244 & M-2413
Index No. 304584/08

Jane Shurka,
Defendant-Respondent.
-----X

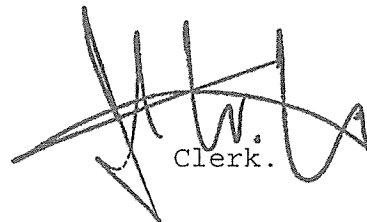
Appeals having been taken by plaintiff-appellant Efraim Shurka from the orders of the Supreme Court, New York County, entered on or about September 10, 2008 (mot. seq. no. 001), February 3, 2009 (mot. seq. no. 003) and April 15, 2009 (mot. seq. no. 004),

And plaintiff-appellant, Efraim Shurka, having moved by separate motions for a stay of enforcement of the aforesaid orders (M-1996), and for consolidation of the aforesaid appeals and an enlargement of time in which to perfect same (M-2244),

Now, upon reading and filing the papers with respect to the motions, including defendant's submission under motion no. M-2413, and due deliberation having been had thereon, it is

Ordered that motion (M-2413) is deemed withdrawn. Plaintiff's motion for a stay (M-1996) is denied. Plaintiff's motion for consolidation and other relief (M-2244) is granted only to the extent of enlarging the time in which to perfect the appeal from the order entered on or about September 10, 2008 to the October 2009 Term, and is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-1998
Ind. No. 89/07

Michael Crutcher,

Defendant.
-----X

Defendant having moved for an extension of time in which to seek leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about October 29, 2008,

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

Ordered that the motion is granted to the extent of enlarging the time of defendant in which to serve and file his motion for leave to appeal to this Court to 60 days of the date 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 June 23, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
In the Matter of

Angelique V.,

A Proceeding for Support under Articles 4 and 5 of the Family Court Act.

Saragh Ann K.,
Petitioner-Respondent,

M-2177
Docket No. U7803/06

-against-

Armando Charles C.,
Respondent-Appellant.

Frederic Schneider, Esq.,
Law Guardian for the Child.

-----X

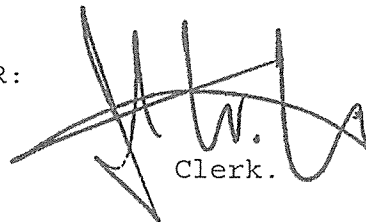
An appeal having been taken from the orders of the Family Court, Bronx County, entered on or about April 1, 2008, October 27, 2008 and January 5, 2009, respectively, and said appeal having been perfected,

And Harold E. Jones, Esq., having moved to be relieved as law guardian and to substitute other counsel as law guardian to respond to 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 striking the designation of Harold E. Jones, Esq., as law guardian and substituting, pursuant to Section 722 of the County Law, Frederic Schneider, Esq., Gilman & Schneider, 40 Wall Street, 28th Floor, New York, NY 10005, Telephone No. (646) 512-5730, as law guardian for purposes of responding to the appeal.

ENTER:


Clerk.

CORRECTED ORDER JUNE 24, 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 June 23, 2009.

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

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

-against-

Shawn Thompson,

Defendant.

M-4789

Ind. No. 2775/98

-----X

An order of this Court having been entered on May 17, 2001 (M-2726), deeming withdrawn defendant's appeal taken from the judgment of the Supreme Court, New York County, rendered on or about September 8, 1998,

And an order of this Court having been entered June 17, 2008 (M-2692), granting defendant poor person relief and assigning Robert S. Dean, Esq., as counsel to prosecute defendant's appeal taken from the "judgment" of the Supreme Court, New York County, rendered on or about April 15, 2008,

And defendant having moved to reinstate the appeal taken from the judgment of the Supreme Court and entered on September 8, 1998 and deemed withdrawn by the order of this Court entered on May 17, 2001 (M-2726), to amend the order of this Court entered on June 17, 2008, 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. Sua sponte, the order of this Court entered on June 17, 2008 (M-2692) is hereby recalled and vacated. (See M-4789A, decided simultaneously herewith.)

ENTER:



Clerk.

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

BEFORE: Hon. EUGENE NARDELLI,
Justice of the Appellate Division

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

M-4789A
Ind. No. 2775/98

-against-

Shawn Thompson,

CERTIFICATE
DENYING LEAVE

Defendant.
-----X

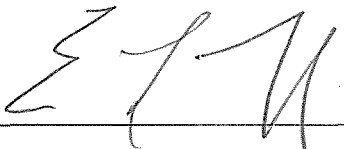
I, Eugene Nardelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the orders of the Supreme Court, New York County, entered on or about February 15, 2005 and April 15, 2008, is hereby denied. (See M-4789, decided simultaneously herewith.)

Dated:

New York, New York

Entered:

JUN 23 2009



Justice of the Appellate Division

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Seth Mensah,
Plaintiff-Appellant,

-against-

M-2265
Index No. 107302/08

Polytechnic University, et al.,
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 4, 2008, (mot. seq. nos. 001 and 003),

And defendant-respondent Polytechnic University having moved for leave to supplement the record to include those portions of the record on appeal absent from appellant's filing,

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

It is ordered that the motion is granted.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2009.

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

-----X
Sammie McClellan,
Plaintiff-Appellant,

-against-

M-2590
Index No. 302489/07

Majestic Tenants Corp. and
Kaled Management Corp.,
Defendants-Respondents.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 8, 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 on or before July 13, 2009 for 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 in the County of New York on June 23, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Leona Brunson,

Plaintiff-Respondent,

-against-

M-2222

Index No. 107872/04

John D. Reilly and Daniel J. Reilly,

Defendants-Appellants.

Morris Duffy Alonso & Faley,

Non-Party Appellant.

-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about February 5, 2009 and April 17, 2009 (mot. seq. no. 006), respectively,

And defendants-appellants having moved for a stay of enforcement of the aforesaid orders, pending hearing and determination of the appeals taken therefrom,

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

It is ordered that the motion is denied.

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 June 23, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
Franklin Rodriguez,
Plaintiff-Respondent,

-against-

M-2239
Index No. 22482/04

Neighborhood Partnership Housing
Development Fund Co., Inc.,
St. Ann's Housing LLC and
Poko Management Corp.,
Defendants-Respondents,

L&M Equity Participants Ltd. and
L&M Builders, LLC,
Defendants-Appellants,

Sanzo Enterprises, Inc.,
Defendant.

-----X

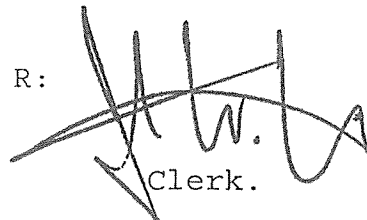
An appeal having been taken by defendants-appellants L&M Equity Participants Ltd. and L&M Builders, LLC from the order of the Supreme Court, Bronx County, entered on or about June 24, 2008,

And defendants-respondents Neighborhood Partnership Housing Development Fund Co., Inc., et al. having moved for an order dismissing defendants-appellants' appeal for failure to 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 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 June 23, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X
In the Matter of the Application of
Veronica Barry,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-2278
Index No. 400225/09

-against-

New York State and New York State
Department of Labor
Defendants-Respondents.

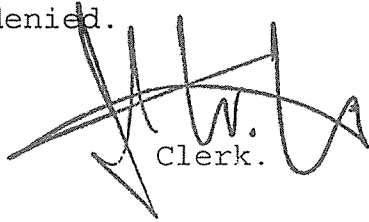
-----X

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

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

It is ordered that the motion is 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 June 23, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,
John T. Buckley
James M. McGuire
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Rudi Oded Sherbansky,
Plaintiff-Appellant,

-against-

M-1869
Index No. 570777/07

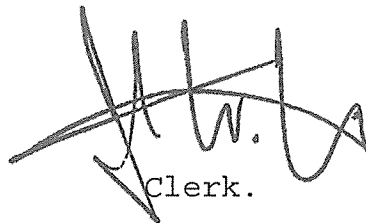
New Hampshire Insurance Company,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about November 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 denied.

ENTER:


Clerk.

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

-----X
In the Matter of a Proceeding Under
Article 6 of the Family Court Act

Damon Vincent B.,-D.

Petitioner-Respondent,

M-2470

Docket No. V-12621/08

-against-


Dianna Antoinette P.,

Respondent-Appellant.
-----X

Respondent-appellant having moved for an order staying execution and enforcement of the order of the Family Court of the State of New York, Bronx County, entered on or about May 11, 2009, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.



Angela M. Mazzarelli, Associate Justice

Dated: New York, New York



JUN 23 2009

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

BEFORE: HON. EUGENE NARDELLI,
Associate Justice

-----X
In the Matter of a Custody Proceeding,

Shannika H.,
Petitioner-Appellant,

-against-

M-1228
Docket No. V11033-09/09A

Anna A.,
Respondent-Respondent.

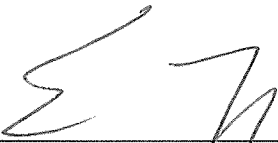
-----X

Petitioner-appellant having moved for a stay of the order of the Family Court, New York County, entered on or about March 11, 2009, pending hearing and determination of the appeal taken therefrom,

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

It is ordered that the motion is denied.

Dated: New York, New York



Hon. Eugene Nardelli
Associate Justice

Entered: JUN 23 2009

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

BEFORE: HON. ROLANDO T. ACOSTA
Justice of the Appellate Division

-----X

Donald Cohen,

Plaintiff,

-against-

New York University, et al.,

Defendants.

-----X

M-1753

Index No. 113982/06


LEAVE TO APPEAL
TO THIS COURT
DENIED

Defendants New York University, et al., having moved for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about February 23, 2009,

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

It is ordered that the motion is denied.

Dated: New York, New York



Hon. Rolando T. Acosta
Associate Justice

Entered: JUN 23 2009

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

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

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

M-2295
Ind. No. 3456/02

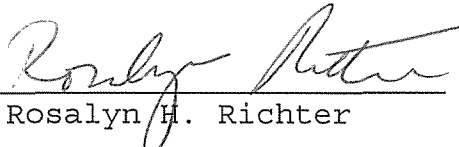
-against-

CERTIFICATE
DENYING LEAVE

Tony Harrison,

Defendant.
-----X

I, Rosalyn H. Richter, 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 April 9, 2009 is hereby denied. The portion of the motion which seeks poor person relief and assignment of counsel is denied as academic.



Hon. Rosalyn H. Richter

Dated: June 16, 2009
New York, New York

ENTERED: JUN 23 2009

PM ORDERS

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2009.

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

-----X
322 West 57th Owner, LLC,
Petitioner-Landlord-Respondent,

-against-

Penhurst Productions,
Respondent-Tenant-Appellant.
-----X

M-2427
Index No. 570020/07

An appeal having been taken from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about November 26, 2008,

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

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

Ordered that the motion is granted on condition appellant 1) pay arrears, if any, in use and occupancy for the months of April through June 2009 inclusive, ongoing on the 10th day of each month, at the rate previously paid under the parties' 2008 stipulation; and 2) perfect the appeal on or before July 13, 2009 for the September 2009 Term. Upon failure to comply with the use and occupancy condition petitioner-landlord-respondent may move on notice to vacate the stay of eviction, should respondent-tenant-appellant fail to perfect for the September 2009 Term, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

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 June 23, 2009.

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

-----X
Robert J. Coords, as Administrator of the Estate of Michael Patrick Coords, an infant under the age of fourteen years and as the Parents and Natural Guardian of Robert Patrick Coords, an infant under the age of fourteen years, and Kathleen M. Coords,
Plaintiffs-Respondents,

M-2659
Index No. 13231/05

-against-

Astra Transportation Corp. and David Hines,
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 3, 2009, and said appeal having been perfected,

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

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

Ordered that the motion is denied and the interim relief granted by an order of a Justice of this Court, dated June 22, 2009, is herewith vacated.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2009.

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

-----X
Rolita James,
Plaintiff-Respondent,

-against-

Robert G. Goodlett, et al.,
Defendants-Appellants.

M-2461
Index No. 6926/04

-----X
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 30, 2009,

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

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

Ordered that the motion is granted on condition appellant perfects the appeal on or before August 10, 2009 for the October 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 23, 2009.

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

-----X
Houston Whisenant,
Plaintiff-Respondent,

-against-

Rafiul Farazi and Hasina Farazi,
Defendants-Appellants.
-----X

M-2569
Index No. 105504/06


An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 17, 2009 (mot. seq. no. 001),

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

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

Ordered that the motion is granted.

E N T E R:


Clerk.