

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 30, 2009.

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

-----X

Steve Gaboury,
Plaintiff-Respondent,

M-2146X

M-2083

-against-

M-2481

Index No. 604042/06

Technical Structures, Inc.,
Defendant-Appellant.

-----X

(And a third-party action)

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

And plaintiff-respondent having moved, inter alia, to dismiss the appeal (M-2083),

And defendant-appellant having cross-moved, inter alia, for denial of the aforesaid motion (M-2481),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 4, 2009, and due deliberation having been had thereon (M-2146X),

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation (M-2146X). The motion (M-2083) and cross motion (M-2481) are denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 30, 2009.

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

-----X
Ingvor Van Zuuk and Kurt Van Zuuk,
Plaintiffs-Appellants,

-against-

M-2289
Index No. 24531/06

Jose M. Gomez, et al.,
Defendants-Respondents.

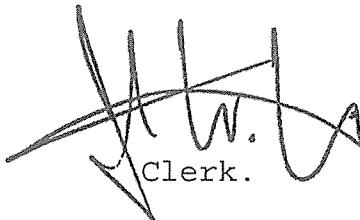
-----X

Defendant-respondent Jose M. Gomez having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about September 5, 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 June 30, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Krystal F.,

A Dependent Child under 18 Years
of Age Alleged to be Abused and/or
Neglected Pursuant to Article 10
of the Family Court Act.

Administration for Children's Services, M-1656
Petitioner-Respondent, Docket No. NN12049/08

Liza R.,
Respondent-Appellant.

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

-----X


Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about January 27, 2009, 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, Kenneth Tuccillo, Esq., 385 Warburton Avenue, Suite 7, Hastings-On-Hudson, New York 10706, Telephone No. 914-439-4843, 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 the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

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 30, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
 Peter Tom
 David Friedman
 John W. Sweeny, Jr.
 John T. Buckley, Justices.

-----X
Vishnu Chintam,

Plaintiff-Respondent,

-against-

M-2429
Index No. 100006/07

Joslin Fenelus,

Defendant-Appellant.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about April 3, 2009, and said appeal having been perfected,

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

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

It is ordered that the motion is granted.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 30, 2009.

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

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

-against-

M-2472
Ind. No. 6331/06

Cornell Curry,
Defendant-Appellant.

-----X
Defendant-appellant having moved for reargument of the order of this Court entered on April 23, 2009 (M-1413), which denied as moot defendant's motion for leave to proceed as a poor person on his appeal from the judgment of the Supreme Court, New York County, rendered on or about March 28, 2007, said relief having been granted by the orders of this Court entered on July 26, 2007 (M-3183) and November 1, 2007 (M-4863),

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, as academic, defendant having previously been granted poor person relief and permission to proceed pro se by the aforesaid orders of this Court entered on July 26, 2007 (M-3183) and November 1, 2007 (M-4863) respectively, copies of which are annexed hereto.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on July 26, 2007.

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

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

-against-

M-3183
Ind. No. 6331/06

Cornell Curry,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 28, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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.

E N T E R


Deputy Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 1, 2007.

Present - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
Milton W. Williams
John T. Buckley
E. Michael Kavanagh, Justice.

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

-against-

M-4863
Ind. No. 6331/06

Cornell Curry,
Defendant-Appellant.

-----X

An order of this Court having been entered on July 26, 2007 (M-3183), granting defendant-appellant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 28, 2007, and assigning Robert S. Dean, Esq., as counsel to prosecute the appeal,

And defendant-appellant pro se having moved for an order relieving assigned counsel and for permission to proceed pro se on the appeal, or for alternative relief,

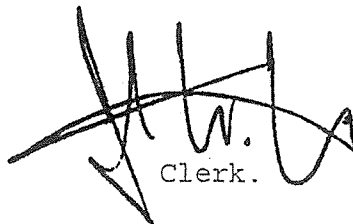
Now, upon reading and filing the papers with respect to the motion; and a letter having been issued by the Court to appellant on September 17, 2007, advising him of the consequences of proceeding pro se, and defendant having responded hereto on September 28, 2007; and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of striking the designation of Robert S. Dean, Esq., as counsel to prosecute the appeal and permitting defendant to proceed pro se on the appeal, and continuing the poor person relief previously granted by this Court's order entered on July 26, 2007 (M-3183).

The Clerk is directed to forward to the Warden of the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, the transcript to be made available to appellant, without charge, and returned by him to this Court when submitting his pro se appellate brief.

The time in which appellant shall perfect this appeal is enlarged until 120 days from the date of filing the record or the date of this order, whichever is later. Appellant is advised that the appeal will not be heard unless and until all material furnished to him has been returned to this Court.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 30, 2009.

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

-----X
Yuen Lin Lee,

Plaintiff-Respondent,

-against-

M-2480 & M-2629
Index No. 306201/06

Kwok Wai Lee,

Defendant-Appellant.
-----X

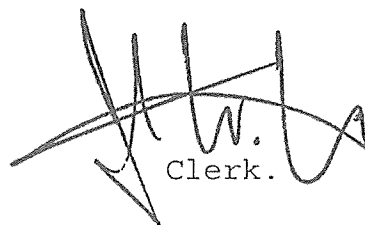
Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 30, 2008 (mot. seq. no. 001) [M-2480],

And plaintiff-respondent having cross-moved to dismiss the aforesaid appeal [M-2629],

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 to the extent of enlarging appellant's time in which to perfect the appeal to the October 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondent serves a copy of this order upon the appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 30, 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
ex rel. Robert Camarano,
Petitioner,

-against-

Mark Hughes, Warden, North Infirmery
Command, Riker's Island Correctional
Facility,
Respondent.

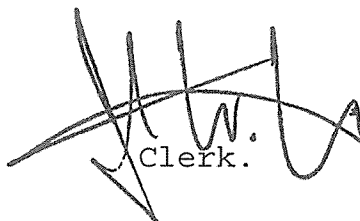
M-2546
Ind. No. Unknown
B&C No. 3490810313

-----X
The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from 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 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 30, 2009.

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

-----X
Discovision Associates,
Plaintiff,

-against-

M-2574
Index No. 601859/07

Fuji Photo Film Co., Ltd., et al.,
Defendants.

-----X
Fujifilm Corporation,
Third-Party Plaintiff-Appellant,

-against-

Index No. 591099/07

Prodisc Technology, Inc., et al.,
Third-Party Defendants-Respondents.

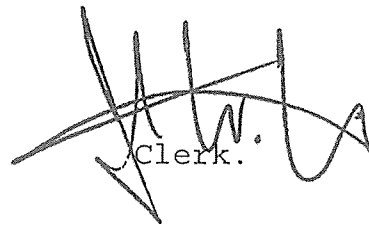
-----X

Third-party plaintiff-appellant, Fujifilm Corporation, 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 August 19, 2008 (mot. seq. no. 005,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before August 10, 2009 for 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 in the County of New York on June 30, 2009.

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

-----X
Daniella Smith,
Plaintiff-Respondent,

-against-

M-2136
Index No. 350239/05

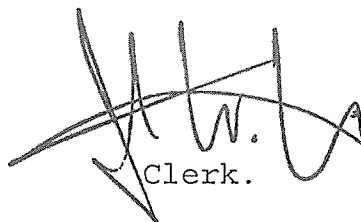
Richard A. Smith,
Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of enforcement of the order of the Supreme Court, New York County, entered on or about January 9, 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.

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 30, 2009.

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

-----X
In re Develop Don't Destroy
(Brooklyn), et al.,
Petitioners/Plaintiffs-Appellants,
-against-

M-1533
Index No. 104597/07

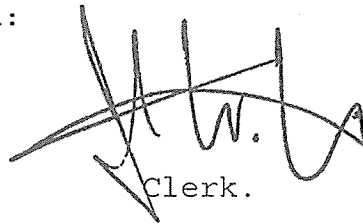
Urban Development Corporation doing
business as Empire State Development
Corporation, et al.,
Respondents/Defendants-Respondents.
-----X

Petitioners/plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 26, 2009 (Appeal No. 4206),

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 30, 2009.

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

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

Respondent,

-against-

M-2458
Ind. No. 3906/05

Blaine Galloway,

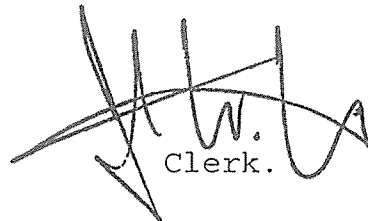
Defendant-Appellant.
-----X

Defendant-appellant having moved for an extension of time in which to reargue the decision and order of this Court entered on April 16, 2009 (Appeal No. 338),

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 30, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
David B. Saxe
Karla Moskowitz
Leland G. DeGrasse, Justices.

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

Lionel E.,
Petitioner-Respondent,

M-1677
Docket Nos. V11913-06
V11913-06/08A
V11913-06/08C

-against-

Shaquana B.,
Respondent-Appellant.

-----X

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about March 10, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

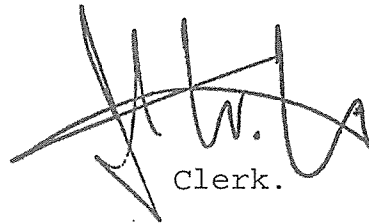
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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, George Reed, Esq., 222 Mamaroneck Avenue, White Plains, NY 10605, Telephone No. 212-645-6447, 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

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

to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

E N T E R:

A handwritten signature in black ink, appearing to be "W. L. A.", is written over the typed name "W. L. A." and the word "Clerk.".

W. L. A.
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 30, 2009.

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

-----X
Arthur Weber, et al.,
Plaintiffs-Respondents-Appellants,

-against-

Baccarat, Inc.,
Defendant-Appellant-Respondent,

M-2412
M-2449
M-2537

Index No. 120164/02

Baccarat Real Estate, Inc.,
Defendant,

625 Madison Avenue Associates,
Defendant-Appellant-Respondent,

IDI Construction Company, Inc.,
Defendant-Respondent,

Related Management Corp.,
Defendant-Appellant-Respondent,

King Freeze Mechanical Corp.,
Defendant-Respondent.

-----X

Separate appeals and a cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 1, 2008 (mot. seq. no. 005),

And defendant-appellant-respondent Baccarat, Inc. having moved (M-2412) and defendants-appellants-respondents 625 Madison Avenue Associates and Related Management Corp. having jointly moved (M-2449) for an enlargement of time in which to perfect their respective direct appeals,

And plaintiffs-respondents-appellants Arthur Weber and Margaret Weber having cross-moved for an enlargement of time in which to perfect the cross appeal (M-2537),

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

It is ordered that the motions and cross motion are granted to the extent of enlarging the time of the respective parties to perfect the consolidated appeals and cross appeal for 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 30, 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,

M-2394
Ind. No. 586/07

-against-

Scott Liden,
Defendant-Appellant.

-----X

An order of this Court having been entered on April 8, 2008 (M-1445) granting defendant-appellant's motion for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about April 25, 2007, and assigning Steven Banks, Esq., as counsel to prosecute the aforesaid appeal,

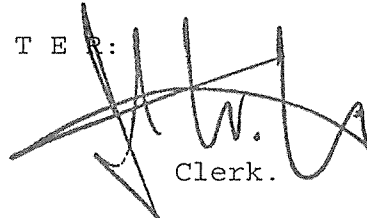
And an order of this Court having been entered on April 14, 2009 (M-1215) relieving Steven Banks, Esq., as counsel to prosecute the appeal and assigning Robert S. Dean, Esq.,

And defendant-appellant having moved for an order relieving assigned counsel, Robert S. Dean, Esq. and to substitute other counsel to prosecute 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 assigned counsel Robert S. Dean, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. (212)402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

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 30, 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-2565
Ind. No. 30186/07

David Newman,
Defendant-Appellant.

-----X

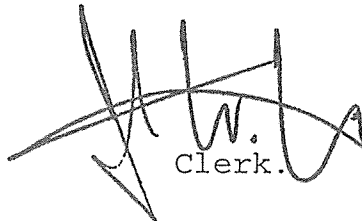
An appeal having been taken from the SORA order of the Supreme Court, New York County, entered on or about August 5, 2008; and an appeal having been taken from an order of said Court entered on or about October 30, 2008, which denied reargument of said SORA order,

And Melinda Sarafa, Esq., retained counsel for defendant-appellant, having moved for consolidation of the aforesaid appeals, and for an enlargement of time in which to perfect said appeals,

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

It is ordered that the motion is granted to the extent of permitting appellant to prosecute the consolidated appeals upon 10 copies of one record and of one set of appellant's points covering said appeals. The time in which to perfect the consolidated appeals is enlarged to the November 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 30, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Andre Romanelli, Inc., et al.,
Plaintiffs-Appellants,

-against-

M-1534
Index No. 109293/05

Citibank, N.A., formerly known
as European American Bank, et al.,
Defendants,

J.P. Morgan Chase Bank, N.A., et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 5, 2009 (Appeal No. 5430),

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 30, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Michael Carroll,
Plaintiff-Appellant,

-against-

M-2434
Index No. 109897/04

Steven Harwin, M.D. and Beth Israel
Medical Center,
Defendants-Respondents,

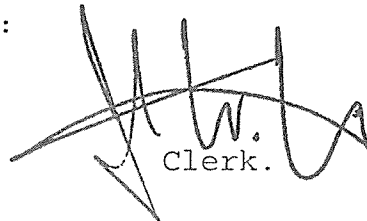
Mark Sultan, M.D. and Rosa Razaboni,
M.D.,
Defendants.

-----X
Defendants-respondents having moved to dismiss the appeal taken from the judgment of the Supreme Court, New York County, entered on or about July 23, 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 June 30, 2009.

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

-----X
Ariel Rivera,

Plaintiff-Appellant,

-against-

M-2212 & M-2415
Index No. 16740/05

Craig Williams and Josellto Garcia,

Defendants-Respondents.
-----X

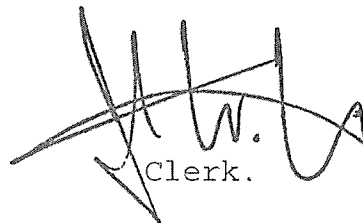
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about May 20, 2008,

And defendants-respondents Josellto Garcia (M-2212) and Craig Williams (M-2415) having separately moved for dismissal of the aforesaid appeal,

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

It is ordered that the motions are granted and the appeal is dismissed.

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 30, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Norma Rivera and Felipe Rivera,
Plaintiffs-Appellants,

-against-

M-1823
Index No. 23451/06

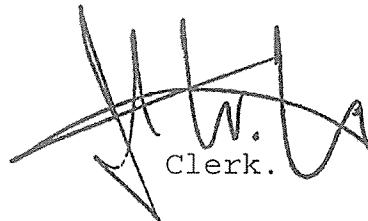
Wilfredo Cepeda, et al.,
Defendants-Respondents.
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about January 20, 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 and appellants' notice of appeal is deemed served (CPLR 5220[a]).

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 30, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

-against-

M-2471
Ind. No. 1827/07

Michael Johnson,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about June 12, 2008, and for leave to prosecute the appeal as a poor person on the original record and upon 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 moving papers a timely filed notice of appeal, 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, Tel. No. (212) 577-3688 is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

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 30, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

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

Christine W.,
Petitioner-Respondent,

M-1898
Docket No. F676/00

-against-

Adrian B.,
Respondent-Appellant.

-----X
An appeal having been taken from the order of the Family Court, New York County, entered on or about July 20, 2007, and said appeal having been perfected,

And petitioner-respondent having moved for dismissal of the aforesaid appeal, or for alternative relief,

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

It is ordered that the motion is granted to the extent of striking respondent's appeal from this Court's calendar for the September 2009 Term with leave granted to respondent to re-file the appeal on or before August 10, 2009 for the October 2009 Term upon a complete record to include the entire stenographic record. The Clerk is directed to accept said filing without further fee.

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 30, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Frederick Sands,

Claimant-Appellant,

-against-

The State of New York,

Defendant-Respondent.
-----X

M-2492
Court of Claims
Claim No. 113781

Claimant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Court of Claims, entered on or about August 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 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 30, 2009.

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

-----X
Irene Avens and Voldermars K. Avens,
Plaintiffs-Respondents,

-against-

M-2487
Index No. 402772/07

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

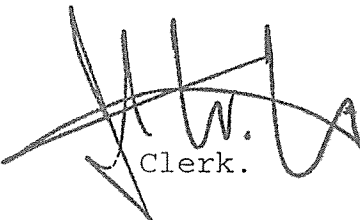
An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 8, 2008,

And plaintiffs-respondents having moved for a preference in the hearing 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 to the extent of directing defendant-appellant to perfect the appeal on or before August 10, 2009 for the October 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondents serve a copy of this order upon the appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 30, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Eugene Nardelli
Helen E. Freedman, Justices.

-----X
In the Matter of

Erica D.,

A Dependent Child under 18 Years
of Age Alleged to be Abused and/or
Neglected Pursuant to Article 10
of the Family Court Act.

Administration for Children's Services, M-1764
Petitioner-Respondent, Docket No. NN8635/04

Maria D.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother 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 March 13, 2009, 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, George Reed, Esq., 222 Mamaroneck Avenue, White Plains, NY 10605, Telephone No. 212-645-6447, 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 the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

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 30, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
John T. Buckley
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Gianna C-E.,

A Dependent Child under 18 Years
of Age Alleged to be Abused and/or
Neglected Pursuant to Article 10
of the Family Court Act.

-----X
Administration for Children's Services, M-2066
Petitioner-Respondent, Docket No. NN10010/07

Alonso E.,
Respondent-Appellant.

-----X
Steven Banks, Esq.,
Law Guardian for the Child.

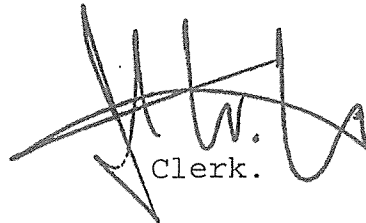
-----X
Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about April 2, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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, Nancy Botwinik, Esq., 309 West 82nd Street, Apt. 4-A, New York, New York 10024, Telephone No. 212-787-1501, 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 the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

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 30, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John T. Buckley
Karla Moskowitz
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Deiby C.,

-against-

M-2185
DC #40
Docket No. D26113/07

A Person Alleged to Be a Juvenile
Delinquent,
Petitioner-Appellant.

-----X

An appeal having been taken to this Court from the orders of the Family Court, Bronx County, entered on or about November 9, 2007 and February 25, 2008, respectively,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 14, 2009, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having submitted an affirmation seeking an enlargement of time in which to perfect the appeal,

Now, upon the Court's own motion, it is

Ordered that appellant's time in which to perfect the appeal is enlarged to the December 2009 Term and counsel is directed to so perfect.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 30, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
John T. Buckley, Justices.

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

Respondent,

-against-

M-1743
Ind. No. 3208/01

William Strawder,

Defendant-Appellant.
-----X

A decision and order of this Court having been entered on October 11, 2007 (Appeal No. 1677), unanimously affirming the judgment of the Supreme Court, New York County (Gregory Carro, J.), rendered on November 18, 2003,

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 30, 2009.

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

-----X
Roseanne Stanley, doing business as
Astrology Gallery,
Plaintiff-Appellant,

-against-

M-2482
Index No. 601422/09

NRP LLC I,
Defendant-Respondent.

-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about May 21, 2009,

And plaintiff-appellant having moved for a preliminary appellate injunction in the nature of Yellowstone relief 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 to the extent of enjoining defendant from terminating plaintiff's lease on the basis of the notice to cure, pending appeal, on condition 1) the appeal is perfected on or before July 13, 2009 for the September 2009 Term and; 2) timely payment of use and occupancy pending determination of the appeal. Upon failure to comply with the aforesaid use and occupancy conditions, respondent may move on notice to vacate the stay. Upon failure to so perfect, an order dismissing the appeal 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.

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 30, 2009.

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

-----X
Jose Rodriguez,
Plaintiff-Appellant,

-against-

M-2363
Index No. 25095/96

Bronx-Lebanon Hospital Center,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about September 4, 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 December 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 30, 2009.

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

-----X
Inter-City Tire and Auto Center, Inc.,
a New Jersey Corporation,
Plaintiff-Appellant,

M-2035 & M-2075
Index No. 116240/07

-against-

Sterling National Bank, etc., et al.,
Defendants-Respondents.

-----X

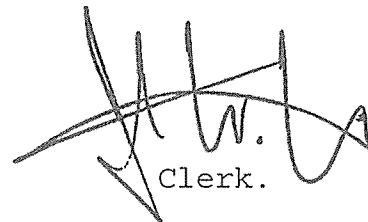
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 23, 2008 (mot. seq. no. 004),

And defendants-respondents Sovereign Bank, sued herein as Sterling National Bank (M-2035) and Todtman, Nachamie, Spizz & Johns, P.C., having separately moved to dismiss the aforesaid appeal and for related relief,

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

It is ordered that the motions are granted to the extent of dismissing the aforesaid 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 30, 2009.

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

-----X
Arrowhead Golf Club, LLC,
Plaintiff-Appellant,

-against-

M-1608
Index No. 109472/07

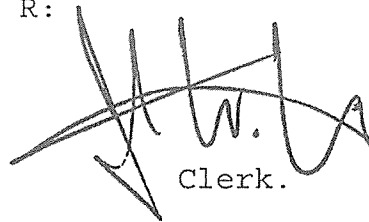
Bryan Cave, LLP, et al.,
Defendants-Respondents.
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 26, 2009 (Appeal No. 5349),

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 30, 2009.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
Mortgage Electronic Registration
Systems, Inc., as Nominee for Lehman
Brothers Bank, FSB,
Plaintiff-Respondent,

-against-

M-1852
Index No. 603324/04

Chicago Title Insurance Company,
Defendant-Appellant.
-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about September 19, 2005 (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 June 30, 2009.

PRESENT - Hon. David Friedman, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Selena R. and
Tyler T.,

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

-----X
Administration for Children's Services, M-1847
Petitioner-Respondent, Docket Nos. NA16697/05
NA16698/05

Joseph L.,
Respondent-Appellant.

-----X
Steven Banks, Esq.,
Law Guardian for the Children.
-----X

Respondent-appellant father 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 March 31, 2009, 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, George Reed, Esq., 222 Mamaroneck Avenue, White Plains, NY 10605, Telephone No. 212-645-6447, 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 the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

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 30, 2009.

Present - Hon. David Friedman, Justice Presiding,
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
Iqbal Singh,

Plaintiff-Appellant,

M-1607

Index No. 1185/06

-against-

The City of New York Division of
Housing Preservation and Development,
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on March 17, 2009 (Appeal No. 80),

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

STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

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

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

M-1784
Ind. No. 5843/01

-against-

CERTIFICATE
DENYING LEAVE

Calvin Collins,
Defendant.

-----X

I, John T. Buckley, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Section 460.15 of the Criminal Procedure Law, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, rendered March 6, 2009, is hereby denied.

Dated: New York, New York
June 24, 2009

ENTERED JUN 30 2009


Justice of the Appellate Division.

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

M - 2294
Ind. No. 12663/94

-against-

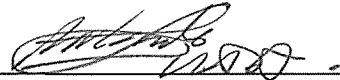
CERTIFICATE
DENYING LEAVE

Jaydee Walker,

Defendant.

-----X

I, Rolando T. Acosta, 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 March 18, 2009 is hereby denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: June 24, 2009
New York, New York

ENTERED: JUN 30 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,

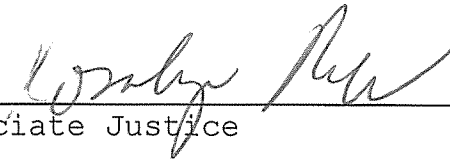
M-2258
Ind. No. 6117/02

-against-

CERTIFICATE
DENYING LEAVE

James Pettus, Defendant.
-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application 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 December 1, 2008 is hereby denied.



Associate Justice

Dated: *June 24*, 2009
New York, New York

ENTERED: JUN 30 2009