

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 May 7, 2009.

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

-----X  
In the Matter of the Application of  
Frances Ward,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-1966  
Index No. 402394/08

Shaun Donovan, as Commissioner of the  
New York City Department of Housing  
Preservation and Development,  
Respondent.

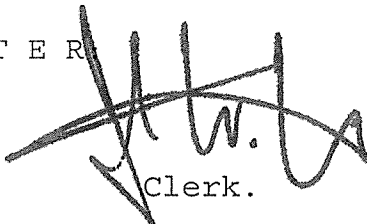
-----X

An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about January 8, 2009 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, filed April 24, 2009, and due deliberation having been had thereon, it is

Ordered that the proceeding is withdrawn in accordance with the aforesaid stipulation.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 May 7, 2009.

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

-----X  
Debra D'Amore,  
Plaintiff-Respondent,

-against-

M-1932X  
Index No. 102164/05

Metlife, Inc., et al.,  
Defendants,

American Building Maintenance Co.  
of New York,  
Defendant-Appellant.

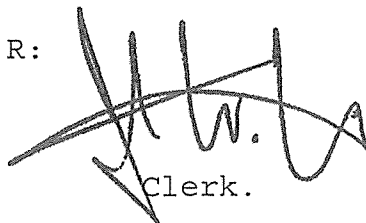
-----X  
[And a third-party action]  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 13, 2008 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 23, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 May 7, 2009.

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

-----X  
David Kelman,  
Plaintiff-Appellant,

-against-


M-1919X  
Index No. 350023/08

Jennifer Orr Kelman,  
Defendant-Respondent.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 9, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 23, 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 May 7, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X  
Jumax Associates,  
Plaintiff-Respondent,

-against-

350 Cabrini Owners Corp.,  
Defendant-Appellant.  
-----X

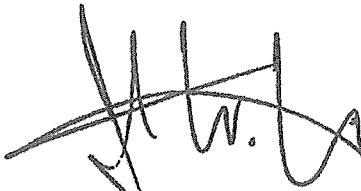
M-1390  
Index No. 603954/02

Plaintiff-respondent having moved to dismiss the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about September 26, 2008,

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

It is ordered that the motion is granted to the extent of dismissing the appeal unless it is perfected for the September 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that plaintiff-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 May 7, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X  
The Parker Realty Group, Inc.,  
Plaintiff-Respondent,

-against-

M-1448  
Index No. 105149/06

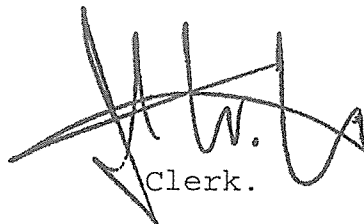
A. Michelle Petigny, etc.,  
Defendant-Appellant.  
-----X

Plaintiff having moved to dismiss the appeal from the judgment of the Supreme Court, New York County, entered on or about December 11, 2008,

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

It is ordered that the motion is 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 May 7, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X  
Paul A. Firestone,  
Plaintiff-Respondent,

-against-

M-1429  
Index No. 602533/06

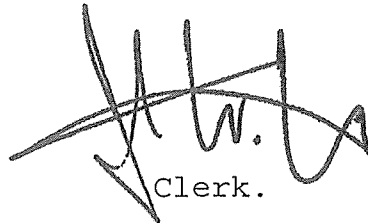
Kevin McKeown,  
Defendant-Appellant.  
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about July 2, 2007 (mot. seq. no. 004),

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 the appeal having been dismissed by order of this Court entered on April 2, 2009 (M-942).

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 May 7, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X  
Gina Mullins as Administratrix of  
the Estate of Leroy Hansel Mullins,  
Plaintiff-Appellant,

-against-

M-1636  
Index No. 401399/06

East Haven Nursing and Rehabilitation  
Center, LLC, individually and doing  
business as East Haven Nursing and  
Rehabilitation Center, New York  
Presbyterian Hospital - New York  
Weill Cornell Medical Center,  
Defendants,

-and-

New York City Health and Hospitals  
Corporation,  
Defendant-Respondent.

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 28, 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 September 2009 Term.

ENTER:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2009

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
John T. Buckley  
Rolando T. Acosta, Justices.

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

Rudranau Toolasprashad,

Petitioner-Respondent,

For a Judgment Under Article 78  
of the Civil Practice Law and Rules,

M-1332  
Index No. 109964/06

-against-

Raymond W. Kelly, etc., et al.,

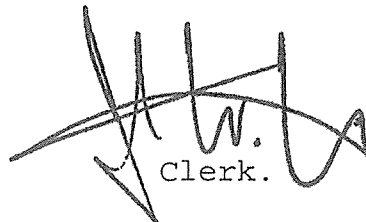
Respondents-Appellants.  
-----X

Respondents 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 13, 2007,

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

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

ENTER:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2009.

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

-----X

The People of the State of New York,

Respondent,

-against-

M-1658

Ind. No. 4081/06

Michael Argentieri,

Defendant-Appellant.

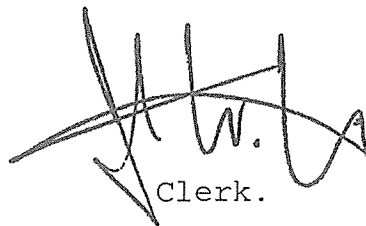
-----X

Defendant-appellant, in connection with an appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 19, 2007, 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 deeming the proposed pro se supplemental brief annexed to the notice of motion as timely filed for the September 2009 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2009.

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

-----X  
Millennium Import, LLC,  
Plaintiff,

M-1444

-against-

Index No. 603350/07

Reed Smith LLP, Douglas J. Wood and  
Darren B. Cohen,  
Defendants.

- - - - -  
Reed Smith LLP, Douglas J. Wood and  
Darren B. Cohen,  
Third-Party Plaintiffs-Appellants,

-against-

Index No. 59100/07

James H. Berry, Jr. and Berry & Perkins,  
a professional corporation,  
Third-Party Defendants-Respondents.

-----X

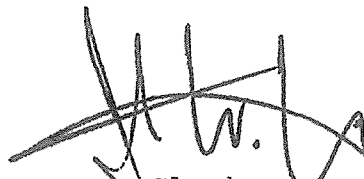
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about July 14, 2008,

And defendants/third-party plaintiffs-appellants having moved for an order enlarging the record on appeal to include certain e-mail communications annexed as Exhibit A to 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 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 May 7, 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 a Proceeding Pursuant to  
Article 6 of the Family Court Act

Gregory L. B.,  
Petitioner-Respondent,

-against-

M-1478  
Docket No. V10659/02

Magdalena G.,  
Respondent-Appellant.

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

-----X

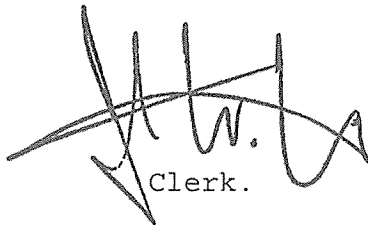
An appeal having been taken to this Court by respondent-appellant mother from the order of the Family Court, New York County, entered on or about March 4, 2008, and said appeal having been perfected for the June 2009 Term,

And Paul Matthews, Esq., law guardian for the child having moved to be relieved as law guardian with respect to the subject child Marcel G. and to substitute other counsel 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 Paul Matthews, Esq. as law guardian on the appeal with respect to the child and substituting, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, Tel. No. (914) 949-8214, as counsel for the child Marcel G. for purposes of responding to the appeal. The appeal is adjourned to the September 2009 Term.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
David B. Saxe  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Myisha B.,

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

- - - - -  
Administration for Children's Services,  
Petitioner-Respondent,

Darryl B.,  
Respondent-Appellant.

M-1264  
Docket Nos. NA290/08  
NN290/08

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

-----X  
Respondent-appellant father having moved for an enlargement of time in which to perfect the appeals from the orders of the Family Court, New York County, entered on or about June 3, 2008 and November 13, 2008, respectively, and for poor person relief,

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

Ordered that appellant's time in which to perfect the appeals, which are sua sponte consolidated, is enlarged to the September 2009 Term. So much of the motion which seeks poor person relief is denied without prejudice to renewal upon submission of an affidavit in compliance with CPLR 1101.

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 May 7, 2009.

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

-----X  
Charles Udoh,  
Plaintiff-Appellant,

-against-

Inwood Gardens, Inc., et al., M-1546  
Respondents-Respondents. Index. No. 126690/02  
-----X

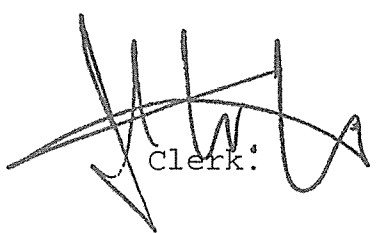
An order of this Court having been entered on March 3, 2009 (M-406), denying, with leave to renew, plaintiff's motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about September 19, 2008 (mot. seq. no. 005),

And plaintiff having renewed the aforesaid motion,

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 May 7, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzaelli  
David B. Saxe  
Eugene Nardelli, Justices.

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

-against-

M-4458  
Ind. No. 4842/00

Devon Millington,  
Defendant-Appellant.

-----X


A decision and order of this Court having been entered on February 22, 2007 (Appeal No. 322), unanimously affirming the judgment of the Supreme Court, Bronx County (Robert H. Straus, J.), rendered April 2, 2002,

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.

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 May 7, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzarelli  
John W. Sweeny, Jr.  
James M. McGuire, Justices.

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

-against-

M-3908  
Ind. No. 3644/04

Luis Velasquez,  
Defendant-Appellant.  
-----X

A decision and order of this Court having been entered on January 8, 2008 (Appeal No. 2483 [M-6157]), unanimously affirming the judgment of the Supreme Court, Bronx County (Caesar Cirigliano, J.), rendered February 26, 2007,

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.

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 May 7, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
John T. Buckley  
James M. Catterson  
James M. McGuire  
Dianne T. Renwick, Justices.

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

-against-

M-1464  
Ind. No. 399/08

Keith Robinson,  
Defendant-Appellant.

-----X

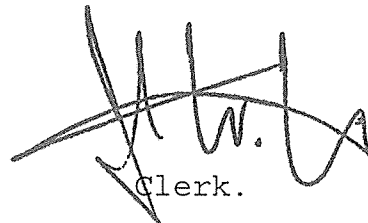
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about January 29, 2009,

And defendant-appellant pro se having moved to withdraw 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 and the appeal is withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
John T. Buckley  
James M. Catterson  
James M. McGuire  
Dianne T. Renwick, Justices.

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

-against-

M-1232  
Ind. No. 6677/04

Dionis Collado,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about March 11, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

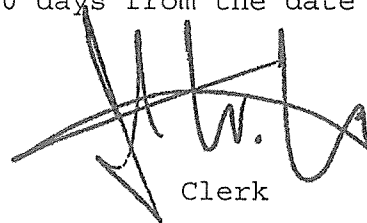
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

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 May 7, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
John T. Buckley  
James M. Catterson  
James M. McGuire  
Dianne T. Renwick, Justices.

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

Respondent,

-against-

M-1566  
Ind. No. 3948/06

Tareyton Williams,

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 April 25, 2007, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), including the amount and sources of his income and listing his 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 May 7, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
John T. Buckley  
James M. Catterson  
James M. McGuire  
Dianne T. Renwick, Justices.

-----X  
403 East 76 St. Corp.,

Plaintiff-Respondent-Appellant,

-against-

M-1721  
Index No. 104089/07

Eyeprops Realty, LLC, et al.,

Defendants,

The Travelers Excess and Surplus Lines Company incorrectly sued herein as The Travelers Companies, Inc., formerly known as The St. Paul Travelers Companies, Inc.,

Defendant-Appellant-Respondent.  
-----X

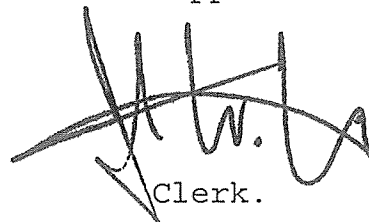
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 2, 2008,

And defendant-appellant-respondent having moved for an enlargement of time of the respective parties in which to perfect the appeal and cross 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 enlarging the time in which to perfect the appeal and cross 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 May 7, 2009.

Present - Hon. Peter Tom, Justice Presiding,  
Angela M. Mazzarelli  
David B. Saxe  
Eugene Nardelli  
John T. Buckley, Justices.

-----X  
In re Robert C.,  
Petitioner-Appellant,

-against-

M-986  
Docket No. V17673-99/07B


Katherine D.,  
Respondent-Respondent.  
-----X

Petitioner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 13, 2008 (Appeal Nos. 4541-4542),

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 May 7, 2009.

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

-----X  
Resat Keles,  
Plaintiff,

-against-

Manhattan College Corp.,  
Defendant.

M-1609  
Index No. 7948/07

-----X

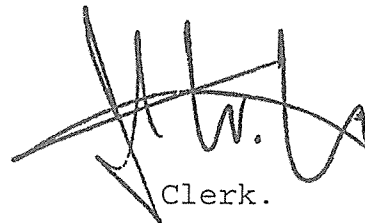
An order of this Court having been entered on March 5, 2009 (M-421), inter alia, denying plaintiff's motion for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about April 3, 2008, and dismissing the aforesaid appeal,

And plaintiff having moved for an enlargement of time in which to perfect the appeal, and to restore the appeal to the calendar 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. (See M-421 entered March 5, 2009, a copy of which is annexed hereto.)

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 March 5, 2009.

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

-----X  
Resat Keles,  
Plaintiff-Appellant,

-against-

M-421  
Index No. 7948/07

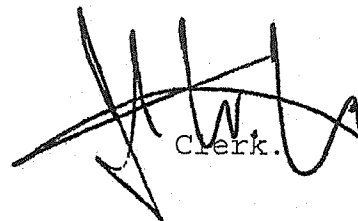
Manhattan College Corp.,  
Defendant-Respondent.  
-----X

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 April 3, 2008,

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

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

E N T E R:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

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

-against-

M-1612  
Ind. No. 4024/07

Yuris Rodriguez,  
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from the judgment of resentence of the Supreme Court, New York County, rendered on or about August 1, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Eugene Nardelli  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Henderson J. Prescod,  
Plaintiff-Appellant,

-against-

M-1501  
Index No. 16327/05

Charles F. Leggiero,  
Defendant-Respondent.  
-----X

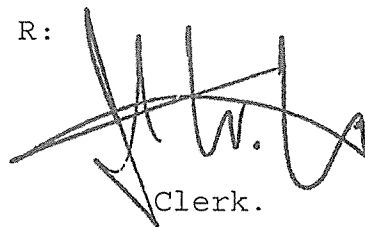
An appeal having been taken from a order of the Supreme Court, Bronx County, entered on or about June 4, 2008,

And plaintiff-appellant having moved for an order enlarging the record on appeal to include certain correspondence annexed to the moving papers as Exhibit D,

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 May 7, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Eugene Nardelli  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X

Douglas A.P. Hamilton,

Plaintiff-Respondent,

-against-

M-1758

Index No. 350471/07

Dorothy Cann,

Defendant-Appellant.

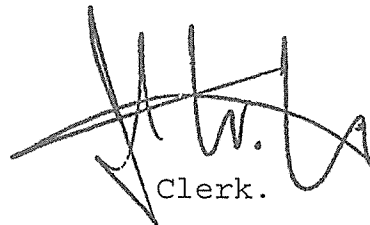
-----X

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal 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 May 7, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Eugene Nardelli  
Dianne T. Renwick  
Helen E. Freedman, Justices.

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

-against-

Bobby Ferrel,  
Defendant-Appellant.

M-1930  
Ind. Nos. 1301/06  
4908/06 & 6000/06

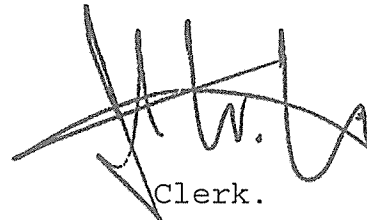
-----X

An order of this Court having been entered on January 13, 2009 (M-5758), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about October 14, 2008, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such 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 the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Lawrence Schwartz, Esq., P.O. Box 876, New York, NY 10013, Tel No. (917)330-9783, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Eugene Nardelli  
Dianne T. Renwick  
Helen E. Freedman, Justices.

-----X  
Bernice Podell,  
Plaintiff-Respondent,

-against-

M-1355  
Index No. 112031/06

1315 Second LLC, Fannie Klein,  
Murray Klein, Irwin Klein and  
Harfay Management Corp.,  
Defendants-Appellants,

Da Filippo Ristorante Italiano, Inc.,  
Defendant.

-----X

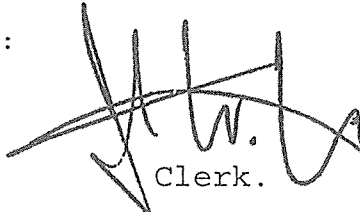
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 22, 2009 (mot. seq. nos. 002, 003 and 004),

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.

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 May 7, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-1613  
Ind. No. 6586/01

Roger Reid,  
Defendant-Appellant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about January 20, 2009, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for assignment of counsel,

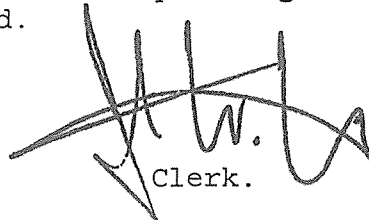
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

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 May 7, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-1614  
Ind. No. 4585/06

Cesar Hilo,  
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, Bronx County, rendered on or about August 7, 2008, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is granted only to the extent of deeming the notice of appeal timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Ricardo Rodriguez, Esq., as well as the amount and sources of funds for trial counsel's fee and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-1261  
Ind. Nos. 2554/05  
6526/07

Gilbert Carandang,  
Defendant-Appellant.  
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeals taken from the judgment of the Supreme Court, New York County (under Ind. No. 6526/07) and the judgment of resentence (under Ind. No. 2554/05) of said Court both rendered on or about October 1, 2008, for leave to have the appeal(s) heard upon the original record(s) and a reproduced appellant's brief, and for related relief,

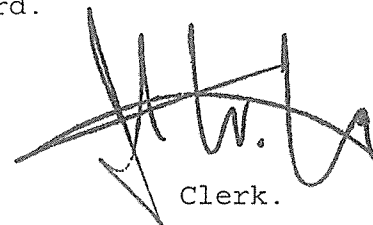
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record(s), 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 (under Ind. No. 6526/07) and resentence (under Ind. No. 2665/05). 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(s). The time within which appellant shall perfect the appeal(s) is hereby enlarged until 120 days from the date of filing of the record.

E N T E R:



Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

The People of the State of New York,  
  
Respondent,

-against-

M-1624  
Ind. No. 5337/08

John Chen,

Defendant-Appellant.

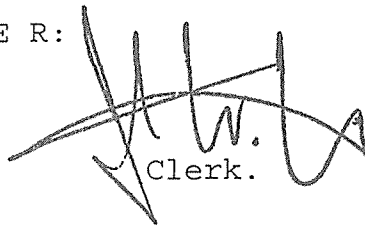
-----X

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 25, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, setting forth his indigency pursuant to CPLR 1101(a), including the sources of funds used to post the \$75,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 May 7, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-1623  
Ind. No. 2661/08

Luis Cajigas,

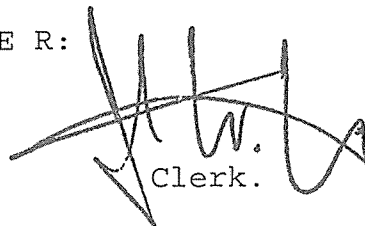
Defendant-Appellant.  
-----X

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 January 5, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, setting forth his indigency pursuant to CPLR 1101(a), including the sources of funds used to post the \$30,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 May 7, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-1617  
Ind. No. 1702/08

Timothe Charles,  
Defendant-Appellant.

-----X

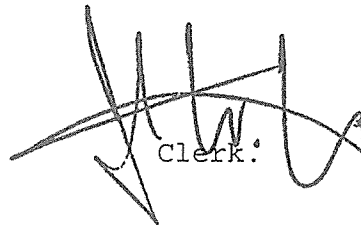
Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about August 19, 2008, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and 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 notice of appeal timely filed, and

It is ordered that the motion insofar as it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, setting forth his indigency pursuant to CPLR 1101(a), including the sources of funds used to post the \$15,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute this appeal. (The application shall include an affidavit of the source[s] of all funds utilized by defendant.)

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 May 7, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

In the Matter of the Application of

Gene DeMartino, as President,  
Local 376, District Council 37, etc.,  
Petitioner-Respondent,

M-1561  
Index No. 111788/08

For a Judgment, etc.,

-against-

New York City Department of  
Transportation, et al.,  
Respondents-Appellants.

-----X

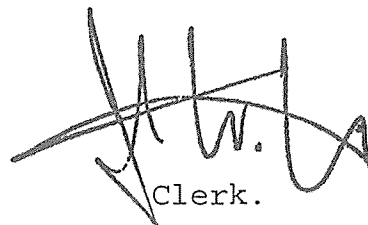
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 19, 2009 (mot. seq. no. 001),

And petitioner-respondent having moved for an order directing respondents to expedite the perfection of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, filed April 7, 2009, and due deliberation having been had thereon, it is

Ordered that the motion is granted and respondents are directed to perfect their appeal for the September 2009 Term 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 May 7, 2009.

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

-----x  
Hamiltonian Corporation,

Plaintiff-Respondent,

-against-

M-1705  
Index No. 113395/06

Trinity Centre LLC,

Defendant-Appellant.  
-----x


An appeal having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 18, 2009, and said appeal having been perfected,

And defendant-appellant having moved, pursuant to CPLR 5519(c), for a stay of trial herein 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 May 7, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,  
David B. Saxe  
Rolando T. Acosta  
Dianne T. Renwick, Justices.

-----X

Nkiambi Jean Lema,  
Plaintiff-Appellant,

-against-

M-1749  
Index No. 104980/04

The Bank of New York,  
Defendant-Respondent,

Cassa Di Risparmio Di Padova E. Rovigo,  
Defendant.

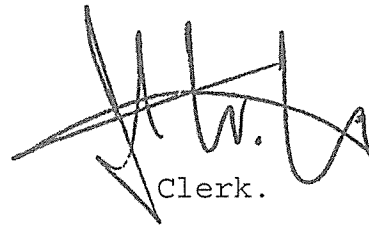
-----X

Plaintiff-appellant having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on March 12, 2009 (Appeal No. 56),

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 May 7, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,  
David Friedman  
John T. Buckley  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

-----X

Gerard Fenty,

Plaintiff-Appellant,

-against-

M-1699

Index No. 100908/05

The City of New York, et al.,

Defendants-Respondents.

-----X

(And third-party and second third-party actions)

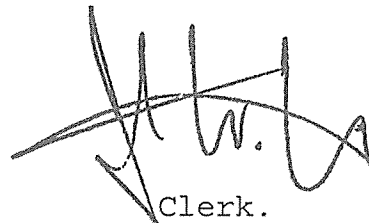
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about July 3, 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 the September 2009 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse, Justices.

-----X

In re JJF Associates, LLC,  
Petitioner-Appellant,

-against-

M-1519  
Index No. 108893/08

John Joyce, Jr., et al.,  
Respondents-Respondents.

-----X

Petitioner-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 24, 2009 (Appeal No. 5323N),

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 in the County of New York on May 7, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,  
James M. Catterson  
Leland G. DeGrasse  
Rosalyn H. Richter, Justices.

-----X  
Zaccaro Associates LLC,  
John A. Zaccaro and John A. Zaccaro,  
Jr.,  
Plaintiffs-Respondents,

-against-

M-1440  
Index No. 600752/09

200 Lafayette Group, LLC, Alexander  
Abrams and Eldon Scott,  
Defendants-Appellants,

-and-

420 Broome Street Owner, LLC and 420  
Broome Street Development, LLC,  
Defendants.

-----X

Defendants-appellants 200 Lafayette Group, LLC,  
Alexander Abrams and Eldon Scott having moved for a stay of  
proceedings herein pending hearing and determination of the  
appeal taken from the order of the Supreme Court, New York  
County, entered on or about March 19, 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 the interim  
relief granted by an order of a Justice of this Court, dated  
March 23, 2009, is vacated.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 7, 2009.

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

-----X

Ruby Emanuel, etc.,  
Plaintiff,

-against-

M-1505  
Index No. 1437/06

Sheridan Transportation Corp., et al.,  
Defendants.

- - - - -

Kenneth Heller,  
Appellant,

-against-

Jacoby & Meyers, LLP,  
Respondent.

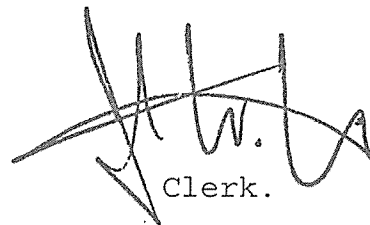
-----X

Appellant Kenneth Heller 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 January 29, 2009 (Appeal Nos. 5143N, 5143NA and 5143NB [M-6073]),

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 May 7, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

Jacqueline H., M-1477  
Petitioner-Respondent, Docket No. F7695/08  
  
-against-

Richard P.,  
Respondent-Appellant.  
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about November 7, 2008 and from the order of said Court entered on or about January 7, 2009, respectively, for leave to have the appeal heard upon the original record(s) and a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. The Clerk of the Family Court, New York County, is directed to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, with a copy to appellant's counsel, the cost thereof to be charged against the City of New York from funds available thereof. Appellant's time in which to perfect the appeal is enlarged until 120 days after receipt of the transcripts.

So much of the motion seeking assignment of counsel 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 May 7, 2009.

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

-----X  
Chedli Gassab,  
Plaintiff-Appellant,

-against-

M-1550  
Index No. 122439/99

R.T.R.L.L.C.,  
Defendants-Respondents,

Flomenhaft & Cannata, LLP,  
Non-Party Appellant.

-----X  
R.T.R.L.L.C.,  
Third-Party Plaintiff,

-against-

Index No. 590217/00

Price Thomas Studios, Inc.,  
Third-Party Defendant.

-----X  
Price Thomas Studios, Inc.,  
Fourth-Party Plaintiff,

-against-

Index No. 591300/00

Bronx Builders and Gorton Associates  
Incorporated,  
Fourth-Party Defendants.

-----X  
R.T.R.L.L.C.,  
Second Third-Party Plaintiff,

-against-

Index No. 590113/01

Bronx Builders and Gorton Associates  
Incorporated,  
Second Third-Party Defendants.

-----X

An order of this Court having been entered on December 9, 2008 (M-5247) consolidating the appeals taken by plaintiff from the orders of the Supreme Court, New York County, entered on or about January 23, 2008 (mot. seq. no. 015) and July 7, 2008 (mot. seq. no. 016), respectively, and enlarging appellant's time in which to perfect said appeals to the April 2009 Term,

And an order of this Court having been entered on February 24, 2009 (M-403), granting an enlargement of time to perfect the consolidated appeals to the June 2009 Term,

And an order of this Court having been entered on April 9, 2009 (M-1234), consolidating plaintiff's appeal from the order of the Supreme Court entered on or about March 11, 2009 (mot. seq. no. 017) with the aforesaid consolidated appeals and, inter alia, directing the perfection thereof for the September 2009 Term,

And Flomenhaft & Cannata, LLP, counsel for plaintiff and non-party appellant from the order of the Supreme Court entered on or about March 11, 2009, having moved to be added as non-party appellant with respect thereto,

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, the caption is amended as indicated and appellants are directed to perfect their respective appeals for the September 2009 Term, with no further enlargements or consolidations to be granted.

ENTER:



Clerk

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

BEFORE: Hon. Eugene L. Nardelli  
Justice of the Appellate Division

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

M-1211  
Ind. No. 8414/99

-against-

CERTIFICATE  
DENYING LEAVE

Lashawn Mackey,

Defendant.

-----X

I, Eugene L. 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 order of the Supreme Court, New York County, entered on or about January 28, 2009, is hereby denied.

  
\_\_\_\_\_  
Justice of the Appellate Division

Dated: New York, New York

**ENTERED**

MAY 07 2009

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

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

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

M-1839  
Ind. No. 6309/85

-against-

CERTIFICATE  
DENYING LEAVE

Shabazz Monroe a/k/a Bruce Monroe, Defendant.  
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about February 18, 2009, is hereby denied.

Dated: New York, New York  
May 1, 2009



\_\_\_\_\_  
Hon. Leland G. DeGrasse  
Justice of the Appellate Division

**ENTERED**

MAY 07 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 May 7, 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 a Proceeding for  
Support under Articles 4 and 5  
of the Family Court Act.

Saragh Ann K., M-1948  
Petitioner-Respondent, Docket No. U-7803/06

-against-

Armando Charles C.,  
Respondent-Appellant.

-----X

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

And plaintiff-respondent having moved for an appellate preference to the extent of ordering that said perfected appeal be placed on this Court's calendar for the June 2009 Term, 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 May 7, 2009.

PRESENT: Hon. James M. McGuire, Justice Presiding,  
Rolando T. Acosta  
Leland G. DeGrasse  
Rosalyn H. Richter  
Sheila Abdus-Salaam, Justices.

-----X  
Arthur Lasky Architects,  
Plaintiff-Appellant,

-against-

Ezra Birnbaum, et al.,  
Defendants-Respondents.

M-1952  
Index No. 600003/07

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 22, 2009,

And plaintiff-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 denied.

E N T E R:

  
Clerk.