

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 14, 2009.

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

-----X  
William Caban, et al.,  
Plaintiffs-Respondents,

-against-

M-2050X  
Index No. 109711/06

Maria Estela Houses I Associates L.P.,  
et al.,  
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 8, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 28, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 14, 2009.

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

-----X  
Jaime Errico,

Plaintiff-Appellant,

-against-

Salvatore Guerrera,

Defendant-Respondent.  
-----X

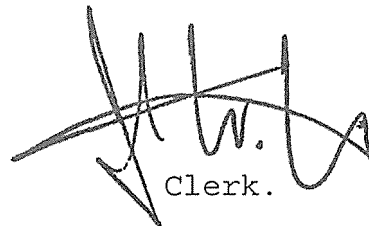
M-2069X  
Index No. 350293/06

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 18, 2008 (mot. seq. no. 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 30, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 14, 2009.

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

-----X  
Rafael Nazario, et al.,  
Plaintiffs-Respondents,

-against-

East 95<sup>th</sup> Street, LLC, et al.,  
Defendants,

Landmark Elevator Consultants, Inc.,  
Defendant-Appellant.,

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

-----X

M-2071X  
Index No. 14144/04

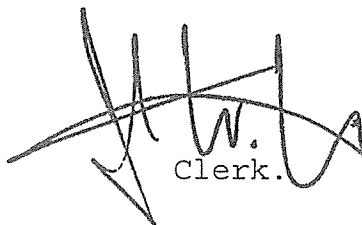
Index No. 84779/05

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 28, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 29, 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 14, 2009.

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

-----X  
Aris Multi-Strategy Fund, L.P.,

Petitioner-Appellant,

-against-

Palm Beach Multi-Strategy Fund, L.P.,  
et al.,

Respondents-Respondents.  
-----X

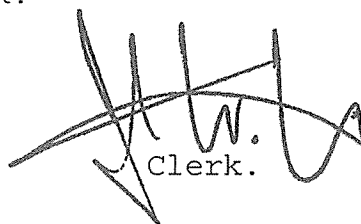
M-2072X  
Index No. 603141/08

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about November 20, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 29, 2009, and due deliberation having been had thereon,

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 14, 2009.

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

-----X  
Michael Curcio,  
Plaintiff-Appellant,

-against-

M-2100X  
Index No. 350379/07

Deborah Curcio,  
Defendant-Respondent.  
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 20, 2009 (mot. seq. no. 003),

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,

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 14, 2009.

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

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

-against-

M-2123  
Ind. No. 315/06

Ivan Urena,  
Defendant-Appellant.

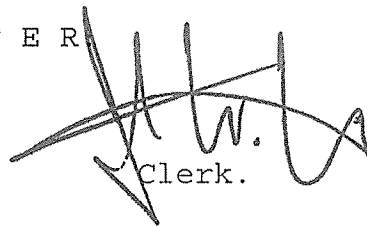
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 24, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated April 28, 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 14, 2009.

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

-----X  
303 Park Avenue South Leasehold  
Company LLC,

Plaintiff-Respondent-Appellant,

-against-

M-2070X  
Index No. 650193/07

Patty Express Inc., doing business as  
Golden Krust Caribbean Bakery &  
Grill, et al.,

Defendants-Appellants-Respondents.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 29, 2009, and due deliberation having been had thereon,

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 14, 2009.

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

-----X  
Crystal Biton and Danielle Biton,  
Plaintiffs-Appellants,

-against-

M-1204

Index No. 601732/02

State Farm Insurance Company, et al.,  
Defendants-Respondents.

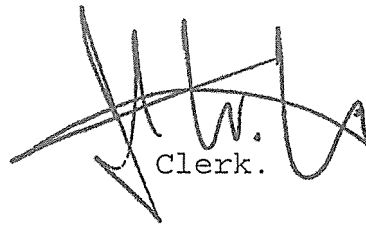
-----X

Defendants-respondents, New York City Transit Authority and Stonewall Contracting, Inc., having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 13, 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 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 May 14, 2009.

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

-----X  
The Estate of Yaron Ungar by and  
through its Administrator,  
David Strachman, et al.,  
Plaintiffs-Appellants,

-against-

M-1403  
Index No. 102101/06

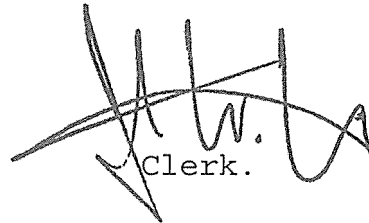
The Palestinian Authority, et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellants having moved for an enlargement of time in which to perfect the appeal taken from the orders of the Supreme Court, New York County, entered on or about March 14, 2008 (mot. seq. no. 011) and May 13, 2008, respectively,

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

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 14, 2009.

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

-----X  
Ramona Ulerio,  
Plaintiff-Respondent,

-against-

M-1834  
Index No. 23888/03

New York City Transit Authority,  
Defendant-Appellant.

-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about May 29, 2008,

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

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 14, 2009.

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

-----X  
Deutsche Bank National Trust  
Company, as Trustee for Vendee  
Mortgage Trust 2003-2, without  
recourse, except provided in a  
Pooling and Servicing Agreement  
dated October 1, 2003,  
Defendants-Respondents,

-against-

M-1446  
Index No. 17239/05

Elroy Deans, et al.,  
Defendants-Appellants.

-----X

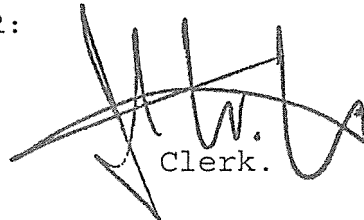
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about July 14, 2008,

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

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

Ordered that the motion is 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 14, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
Francisco Morales, et al.,  
Plaintiffs-Appellants,

-against-

M-1597  
Index No. 20900/00

Delta International Machinery Corp.,  
et al.,  
Defendants-Respondents.

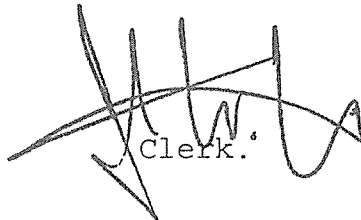
-----X

Defendants-respondents having moved to dismiss the appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about April 15, 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 May 14, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
David Friedman  
Eugene Nardelli  
James M. Catterson, Justices.

-----X  
Continental Casualty Company, et al.,  
Plaintiffs-Appellants-Respondents,

-against-

Employers Insurance Company of  
Wausau, et al.,  
Defendants-Respondents-Appellants,

M-528  
Index No. 601037/03

Michael O'Reilly, etc., et al.,  
Defendants-Respondents,

Robert A. Keasbey Company, etc.,  
Defendant.

- - - - -  
The Travelers Indemnity Company,  
Amicus Curiae.

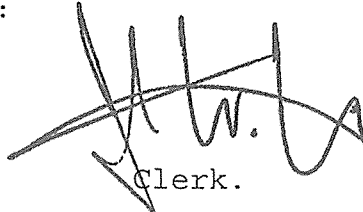
-----X

Defendants-respondents having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on December 30, 2008 (Appeal No. 2441 [M-6192]),

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 14, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
Jared Paul Stern,

Plaintiff-Appellant,

-against-

Ronald Burkle, et al.,

Defendants-Respondents.  
-----X

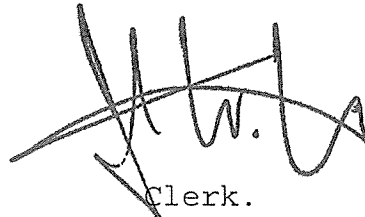
M-1698  
Index No. 103916/07

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 June 17, 2009 (mot. seq. nos. 010, 011, 001, 013 and 014),

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, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte. provided that respondent(s) serve a copy of this order upon appellant(s) 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 14, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
David Friedman  
James M. Catterson  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
Andrew Arnold,  
Petitioner-Appellant,

For a Judgment, etc.,

M-1825  
Index. No. 260282/08

-against-

The New York State Division of  
Human Rights, et al.,  
Defendants-Respondents.  
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 6, 2009,

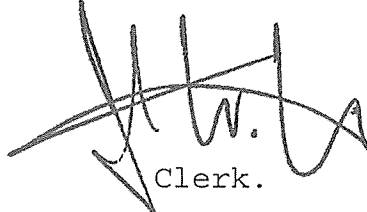
And an order of this Court having been entered on April 14, 2009 (M-1237), granting petitioner leave to prosecute the aforesaid appeal as a poor person,

And petitioner having now moved for the assignment of counsel for the purpose of prosecuting the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 14, 2009.

PRESENT - Hon: Peter Tom, Justice Presiding,  
James M. McGuire  
Helen E. Freedman  
Sheila Abdus-Salaam, Justices.

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

Ernest A. Hunter,  
Petitioner-Appellant,

For a Judgment Pursuant to  
Article 78 of the CPLR,

M-1683  
M-1995  
Index No. 110704/07

-against-

Commissioner of the Division of  
Housing and Community Renewal:  
Office of Rent Administration,  
Respondent-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 16, 2008 (mot. seq. no. 001),

And an order of this Court having been entered on October 14, 2008 [M-3936], inter alia, denying petitioner-appellant's motion for consolidation of the aforesaid appeal with appeals from any subsequent orders,

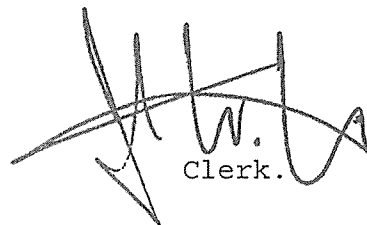
And petitioner-appellant having moved for reargument of the aforesaid order with respect to consolidation (M-1683),

And respondent-respondent having cross-moved to dismiss the appeal (M-1995),

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 cross motion is granted and the appeal is dismissed. The motion for reargument of the order of this Court entered October 14, 2008 [M-3936] 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 14, 2009.

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

-----X  
Ronald Williams,  
Plaintiff-Respondent,

-against-

M-1500  
Index No. 107480/03

Victoria's Secret Catalogue New York,  
LLC, et al.,  
Defendants-Respondents,

Showman Fabricators, Inc.,  
Defendant-Respondent,

Kadan Productions,  
Defendant-Appellant.

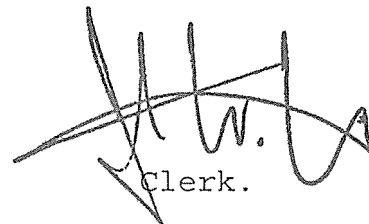
-----X

Defendant-respondent Showman Fabricators, Inc. having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about April 5, 2007 (mot. seq. nos. 008 and 009),

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

Ordered that the motion is granted 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 May 14, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
John T. Buckley  
Rolando T. Acosta, Justices.

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

-against-

M-1223  
Ind. No. 6342/95

Johnny Parker,  
Defendant-Appellant.

-----X

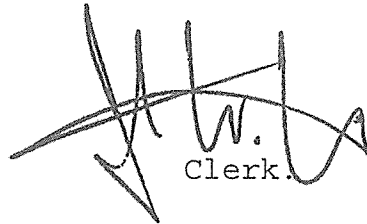
A decision and order of this Court having been entered on January 18, 2000 (Appeal No. 3098), unanimously affirming the judgment of the Supreme Court, Bronx County (George Covington, J.), rendered on June 9, 1997,

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 14, 2009.

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

-----X  
Maria Calderon,

Plaintiff-Appellant,

-against-

M-1719  
Index No. 570105/08

Olonoff, Asen & Serebro, LLP, et al.,

Defendants-Respondents.  
-----X

Plaintiff having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 19, 2008, and for leave to prosecute said appeal as a poor person,

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 14, 2009.

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

-----X  
Alan Green,  
Plaintiff-Appellant,

-against-

M-1761  
Index No. 118893/06

Combined Life Insurance Co. of  
New York, et al.,  
Defendants-Respondents.

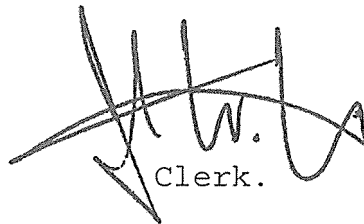
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about February 13, 2008 (mot. seq. no. 001),

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the November 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 14, 2009.

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

-----X  
In the Matter of the Application of  
Utokia Davoren,  
Petitioner,

For a Judgment Pursuant to Article 78  
of the CPLR,

-against-

M-1762  
Index No. 400255/08

New York City Housing Authority,  
Respondent.

-----X

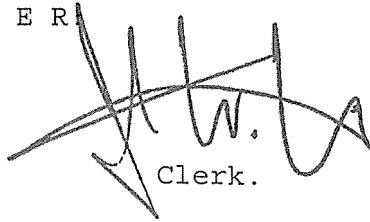
An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 28, 2008 (mot. seq. no. 001),

And respondent having moved for dismissal of the proceeding and for vacatur of the stay of eviction contained in the aforesaid order of transfer entered April 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 unless petitioner perfects the proceeding on or before August 10, 2009 for the October 2009 Term, and continues current in use and occupancy pursuant to the order of transfer entered April 28, 2008. Should petitioner fail to remain current in use and occupancy, respondent may move on notice to vacate the stay of eviction. Upon failure of petitioner to perfect the proceeding, as indicated, respondent may enter ex parte, an order dismissing the proceeding, provided that respondent serves a copy of this order upon petitioner within 10 days from the date of entry hereof.

E N T E R



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 14, 2009.

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

-----X  
In the Matter of the Application of  
Cornisha Cherry,  
Petitioner-Appellant,

For a Judgment, etc.,

M-1851  
Index No. 113221/07

-against-

New York City Housing Authority,  
Respondent-Respondent.  
-----X

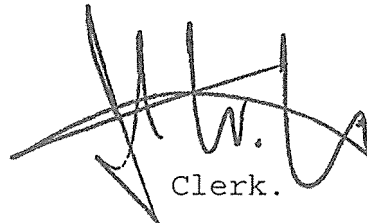
An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 2, 2008 (mot. seq. no. 001),

And petitioner-appellant having moved for an enlargement of time in which to perfect 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 enlarging the time in which to perfect the appeal to the September 2009 Term, with no further enlargements to be granted.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 14, 2009.

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

-----X  
In the Matter of

Adaliz Marie R.,

A Dependent Child under 18 Years M-1853  
of Age Pursuant to §384-b  
of the Social Services Law.

-----  
The Children's Aid Society, et al., Docket No. B24623/06  
Petitioners-Respondents,

Natividad G.,  
Respondent-Appellant.

-----  
Steven Banks, Esq., Legal Aid Society,  
Juvenile Rights Division,  
Law Guardian for the Child.

-----X  
In the Matter of

Jacob Evan R.,

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

-----  
The Children's Aid Society, et al., Docket No. B24624/06  
Petitioners-Respondents,

Natividad G.,  
Respondent-Appellant.

-----  
Steven Banks, Esq., Legal Aid Society,  
Juvenile Rights Division,  
Law Guardian for the Child.

-----X

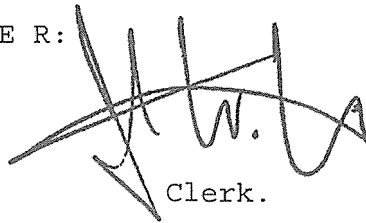
Appeals having been taken by respondent-appellant mother from the orders of the Family Court, Bronx County, both entered on or about July 8, 2008,

And respondent-appellant having moved for consolidation of the aforesaid appeals and for an enlargement of time in which to perfect the 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 appeals are consolidated and appellant's time in which to perfect the consolidated appeals 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:

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

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 14, 2009.

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

-----X  
Joan Chaturvedi,

Plaintiff-Respondent,

-against-

M-1881  
Index No. 350689/04

Niraj Chaturvedi,

Defendant-Appellant.  
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, entered on or about 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 September 2009 Term, with no further enlargements to be granted. 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 May 14, 2009.

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

-----X  
In re Sidney Eisenberg,  
Petitioner-Appellant,

-against-

M-221  
Index No. 111391/06

New York State Division of Housing and  
Community Renewal, et al.,  
Respondents-Respondents.

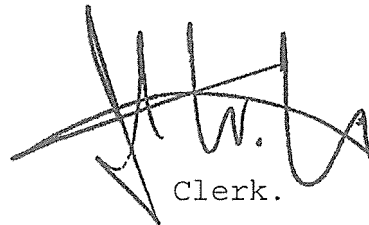
-----X

Respondents-respondents 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 December 16, 2008 (Appeal No. 4687),

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

It is ordered that the motion, to the extent it seeks reargument, is granted and, upon reargument, the decision and order of this Court entered on December 16, 2008 (Appeal No. 4687) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 4687, decided simultaneously herewith.) The motion, to the extent it seeks leave to appeal to the Court of Appeals, 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 14, 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-1210  
Ind. No. 1336/83

Ishmail Muhammad, also known as  
Ishmail Muhammed,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on March 14, 1989 (Appeal No. 35753), unanimously affirming the judgment of the Supreme Court, New York County (Peter McQuillan, J.), rendered on May 16, 1984,

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 14, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
John T. Buckley  
Rolando T. Acosta  
Dianne T. Renwick  
Leland G. DeGrasse, Justices.

-----X  
Susan Charney,  
Plaintiff,

-against-

M-1406  
Index No. 24517/88

Judith Hershkowitz,  
Defendant,

North Jersey Trading Corp., et al.,  
Defendants.

-----X

An order of this Court having been entered on September 2, 2008 (M-3603), dismissing defendant Judith Hershkowitz's appeal from the order of the Supreme Court, New York County, entered on or about August 1, 2007,

And an order of this Court having been entered on December 9, 2008 (M-4771), denying defendant Judith Hershkowitz's motion for vacature of the aforesaid order of dismissal (M-3603) and reinstatement of her appeal,

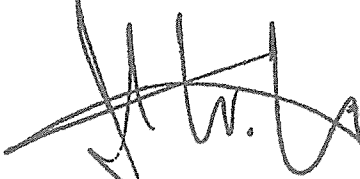
And an order of this Court having been entered on February 19, 2009 (M-158), denying defendant Judith Hershkowitz's motion for reargument of the aforesaid order of this Court entered on December 9, 2008 (M-4771),

And defendant Hershkowitz having now moved again for, inter alia, reinstatement of the appeal,

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

It is ordered that the motion is denied. The Clerk of the Supreme Court, New York County, and the Clerk of this Court are directed to accept no further motion practice with respect to this action, under Index No. 24517/88, without prior permission of the respective Court. The attention of the parties is directed to Rule 130-1 et seq. of the Rules of the Chief Administrator with respect to the Award of Costs and Imposition of Financial Sanctions for Frivolous Conduct in Civil Litigation.

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 14, 2009.

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

-----X  
Seri Kuramoto an infant by her  
mother and natural guardian Mika  
Kuramoto, and Mika Kuramoto,  
individually,  
Plaintiffs-Appellants,

-against-

M-1680  
Index No. 107883/05

Eifuku Ninomiya, M.D.,  
Defendant,

-and-

Lenox Hill Hospital,  
Defendant-Respondent.


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

Defendant-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about March 7, 2008 (mot. seq. no. 001),

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

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

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 14, 2009.

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

-----X  
The Capitol at Chelsea,  
Plaintiff-Respondent,

-against-

M-1752  
Index No. 110291/07

AMC Mechanical Services, Inc.,  
Defendant-Appellant.  
-----X

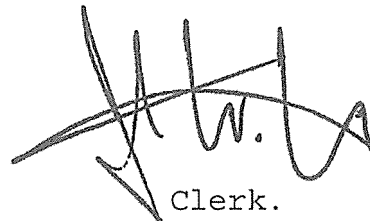
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on default on or about June 12, 2008,

And defendant having moved for an enlargement of time in which to perfect the aforesaid appeal,

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

It is ordered that the motion is denied and sua sponte said appeal is dismissed as taken from a non appealable order (CPLR 5511).

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 14, 2009.

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

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

-against-

M-1579  
Ind. No. 619/08

Rasheem Williams,  
Defendant-Appellant.

-----X  
Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about December 16, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

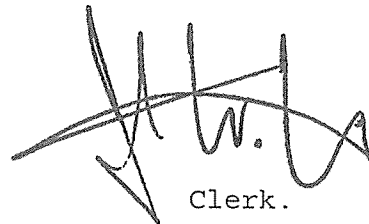
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon 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.

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

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 May 14, 2009.

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

-----X  
E-Z Eating 41 Corp.,

Plaintiff-Appellant,

-and-

M-1604

Index No. 112467/08

E-Z Eating 47 Corp.,

Intervenor/Plaintiff-Appellant

-against-

H. E. Newport, L.L.C., et al.,

Defendants-Respondents.  
-----X

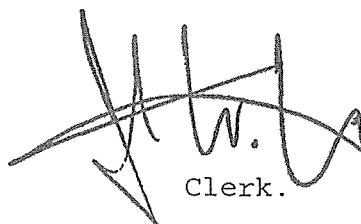
Separate appeals having been taken from the order of the Supreme Court, New York County, entered on or about March 27, 2009,

And plaintiff-appellant, E-Z Eating 41 Corp., having moved for an order in the nature of a preliminary appellate injunction, pursuant to CPLR 5518, inter alia, enjoining defendants from interfering with their possession and use of the demised premises, tolling the Notice of Cancellation of the lease, and for related 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 denied and the interim relief granted by the order of a Justice of this Court, dated April 2, 2009, is vacated. (See M-1605, decided simultaneously herewith.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 14, 2009.

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

-----X  
E-Z Eating 41 Corp.,

Plaintiff-Appellant,

-and-

M-1605  
Index No. 112467/08

E-Z Eating 47 Corp.,

Intervenor/Plaintiff-Appellant,

-against-

H. E. Newport, L.L.C., et al.,

Defendants-Respondents.  
-----X

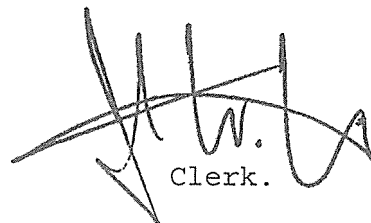
Separate appeals having been taken from the order of the Supreme Court, New York County, entered on or about March 27, 2009,

And intervenor/plaintiff-appellant, E-Z Eating 47 Corp., having moved for an order in the nature of a preliminary appellate injunction, pursuant to CPLR 5518, inter alia, enjoining defendants from interfering with their possession and use of the demised premises, tolling the Notice of Cancellation of the lease, and for related 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 denied and the interim relief granted by the order of a Justice of this Court, dated April 2, 2009, is vacated. (See M-1604, decided simultaneously herewith.)

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 14, 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

Robert Thomas,  
Petitioner-Appellant,

M-1748  
Index. No. 402034/08

For a Judgment, etc.,

-against-

Jonathan David, Records Access  
Appeals Officer,  
Respondent-Respondent.


-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about March 10, 2009 (mot. seq. no. 001), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 14, 2009.

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

-----X  
Ester Devore,  
Plaintiff,

-against-

M-1674  
Index No. 115598/04

Verizon New York Inc.,  
Defendant,

-----X  
Verizon New York Inc., initially  
sued herein as New York Verizon, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

Index No. 590709/05

Spectaguard Acquisition LLC,  
individually and initially sued herein  
as Allied Security LLC,  
Third-Party Defendant-Appellant.

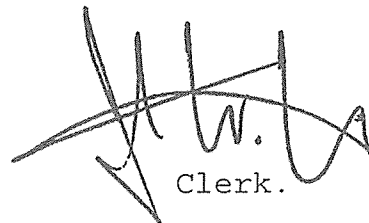
-----X

Third-party defendant-appellant Spectaguard Acquisition LLC, 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 June 13, 2008 (mot. seq. no. 002),

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

It is ordered that the motion is granted 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 14, 2009.

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

-----X  
Mautner-Glick Corporation and Estate of  
Fred Zeiss,

Petitioners-Landlords-Respondents,

-against-

M-1954  
Index No. 570749/07

Flora Soto, also known as Flora Soto  
Hernandez,

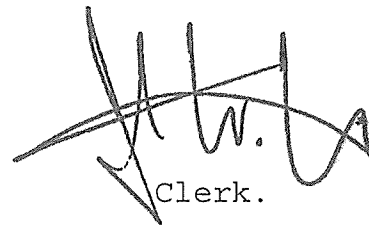
Respondent-Tenant-Appellant.  
-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about March 13, 2009, leave to appeal having been denied by the order of the Appellate Term, dated April 10, 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.

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 14, 2009.

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

-----X  
Jacques Sebag,  
Plaintiff-Appellant,

-against-

M-1557  
Index No. 105104/07

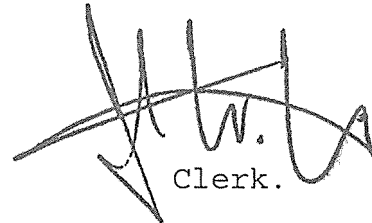
Carlos Narvaez,  
Defendant-Respondent.  
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on March 12, 2009 (Appeal No. 50),

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 14, 2009.

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

-----X  
Eugenia Kaye,  
Plaintiff-Appellant,

-against-

M-1020  
Index No. 116572/07

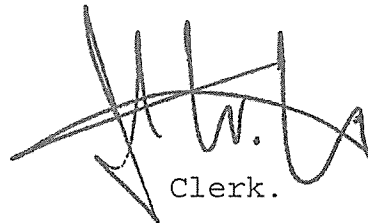
Donald Trump, et al.,  
Defendants-Respondents.  
-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 29, 2009 (Appeal No. 5128 [M-4840]),

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 14, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
John T. Buckley, Justices.

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

-against-

Juan Pena,  
Defendant-Appellant.

M-3457  
M-1247  
Ind. No. 4591/93

-----X

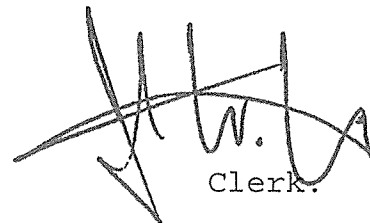
A decision and order of this Court having been entered on June 19, 2007 (Appeal No. 1374), unanimously modifying a judgment of the Supreme Court, New York County (John Stackhouse, J.), rendered on July 15, 1996,

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 (M-3457), and to be provided with a full record including certain documents detailed in the moving papers for use in perfecting said appeal (M-1247),

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 (M-3457) and motion (M-1247) 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 May 14, 2009.

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

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

Tracey A. C.,  
Petitioner-Respondent,

M-1756  
Docket No. F10697-04/07E

-against-

Leonard A. H., III,  
Respondent-Appellant.

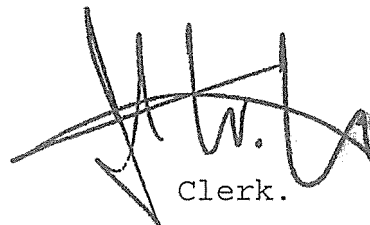
-----X  
An appeal having been taken from the order of the Family Court, New York County, entered on or about April 16, 2008,

And assigned counsel, Steven Feinman, Esq., having moved on respondent-appellant's behalf to withdraw the aforesaid appeal and to be relieved as counsel on said appeal,

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

It is ordered that the motion is granted and the appeal is deemed withdrawn.

ENTER:

  
Clerk.



# 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 14, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,  
Eugene Nardelli  
James M. Catterson  
Rolando T. Acosta  
Leland G. DeGrasse, Justices.

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

-against-

Felix Cepeda, Edgard Correa and  
Allen Mack,  
  
Defendants-Appellants.

M-1882  
Case Nos. 42542C/06  
51080C/05  
19145C/06

- - - - -  
Chief Administration Judge Ann Pfau and  
the New York State Unified Court System,

Amicus Curiae.

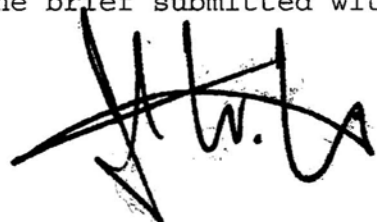
-----X

Ann Pfau, in her capacity as Chief Administrative Judge of the New York State Unified Court System, having moved this Court for leave to file a brief amicus curiae with respect to the appeals taken by the above named defendants Felix Cepeda (Case No. 42542C/06 [Appeal No. 5191]), Edgar Correa (Case No. 51080C/05 [Appeal No. 5209]) and Allen Mack (Case No. 19145C/06 [Appeal No. 5316]) from their respective misdemeanor convictions rendered by the Bronx Criminal Division of the Supreme Court on or about December 1, 2006, September 26, 2006 and August 16, 2006, respectively,

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

Ordered that the motion is granted and the brief submitted with the moving papers herein is deemed filed.

E N T E R:



Clerk.