

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 28, 2009.

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

-----X
Lisa Ivorian Gray,
Plaintiff-Respondent,

-against-

M-2343X
Index No. 306284/08

Hunter Gray,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 6, 2009 (mot. seq. no. 001),

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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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

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

-----X
Jennifer S. Yaffa,
Plaintiff-Respondent,

-against-

M-2344X
Index No. 308374/08

Robert Yaffa,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 24, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 12, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 28, 2009.

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

-----X
2626 Broadway LLC,
Plaintiff-Appellant,

-against-

M-2345X
Index No. 600035/09

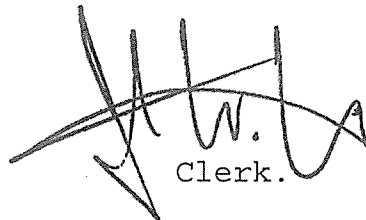
Broadway Metro Associates, L.P.,
Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 21, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 14, 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 28, 2009.

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

-----X
Arnold Annex,
Plaintiff-Respondent,

-against-

M-2361X
Index No. 113565/07

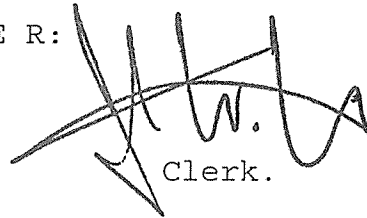
TeleRep, Inc.,
Defendant-Appellant.
-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about August 22, 2008 (mot. seq. no. 001), December 8, 2008 (mot. seq. no. 002) and January 21, 2009 (mot. seq. no. 003), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 15, 2009, and due deliberation having been had thereon,

It is ordered that the appeals 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 28, 2009.

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

-----X
Board of Managers of London Terrace
Towers Condominium and London Terrace
Owners, Inc.,
Plaintiffs-Respondents,

-against-

M-2362X
Index No. 602241/05

Interstate Indemnity Company,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 19, 2008 (mot. seq. nos. 004 and 005),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 15, 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 28, 2009.

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

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

Respondent,

-against-

Leonard Swinton,

Defendant-Appellant.
-----X

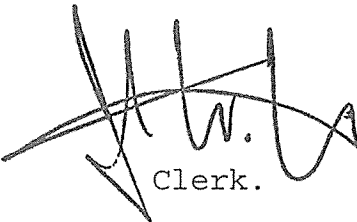
M-2380
Ind. Nos. 4151/06
1830/07
2149/07

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about February 7, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated May 14, 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 28, 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,

M-2383
Ind. No. 991/07

-against-

Jose Perez,
Defendant-Appellant,

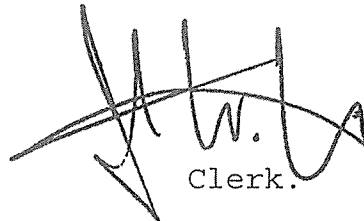
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about July 7, 2008,

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

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

-----X
Peggy Berk,
Plaintiff-Appellant-Respondent,

-against-

M-2360X
Index No. 102521/07

Chung Ki Ng and Ha Yee Tse Ng,
Defendants-Respondents-Appellants,

Hoi Ken Leung, et al.,
Defendants-Respondents-Respondents.

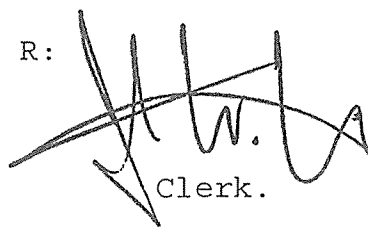
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 7, 2008 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" May 15, 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 28, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

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

Tonya A.,

Petitioner-Respondent,

M-1868

Docket No. F17620/04/05A

-against-

Hal H. H.,

Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about March 17, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is 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 28, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Allen Proctor,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-1958
Index No. 401364/08

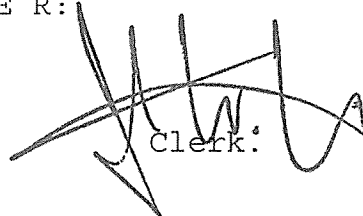
District Attorney, New York County,
Defendant-Respondent.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order and judgment (one paper) of the Supreme Court, New York County, rendered on or about March 23, 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.

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 28, 2009.

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

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

-against-

M-2022
Ind. No. 5224/07

Keith Lopez,
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 May 8, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

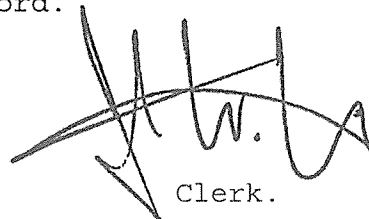
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

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 28, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
Sheila Abdus-Salaam, Justices.

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

-against-

M-1926
Ind. No. 1407/07

Alana Gordian,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about March 13, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

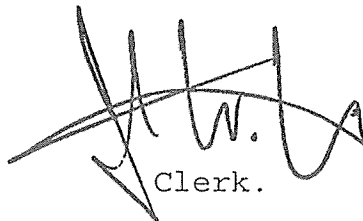
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, 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 the County of New York on May 28, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John W. Sweeny, Jr.
John T. Buckley
James M. Catterson, Justices.

-----X
The People of the State of New York,
Respondent,
-against-
Alexander Screehben,
Defendant-Appellant.
-----X

M-2813
Ind. Nos. 918/03
1209/03
4356/03

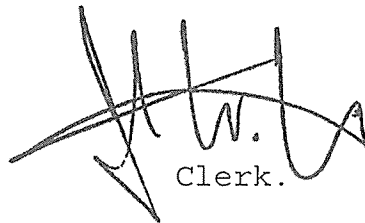
A decision and order of this Court having been entered on December 14, 2006 (Appeal No. 9820), unanimously affirming the judgment of the Supreme Court, Bronx County (Troy K. Webber, J. on motion; Richard Lee Price, J. at jury trial and sentence), rendered on December 10, 2004,

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

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

It is ordered that said application is denied.

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 28, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Tetla Roques, as Administratrix of
the Estate of Patrick Roques, Sr.,
Deceased, and Tetla Roques,
Individually,
Plaintiffs-Appellants,

-against-

M-1835
Index No. 13721/06

David H. Noble, M.D., et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 1, 2008,

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

Ordered that the motion is granted to the extent of enlarging appellants' time in which to perfect the appeal to the 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 28, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzaelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Alcon Builders Group, Inc.,
Plaintiff-Respondent-Appellant,

-against-

M-1879
M-2131
Index No. 602584/06

U.S. Underwriters Insurance
Company,
Defendant-Respondent-Respondent,

-and-

National Union Fire Insurance
Company of Pittsburgh, PA,
Defendant-Appellant-Respondent.

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

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 3, 2008,

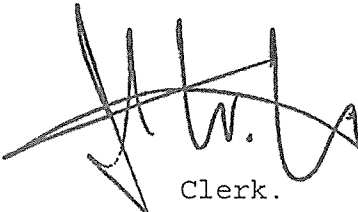
And plaintiff-respondent-appellant Alcon Builders Group, Inc. having moved for an enlargement of time in which to perfect its cross appeal (M-1879),

And defendant-appellant-respondent National Union Fire Insurance Company of Pittsburgh, PA, having cross-moved for an enlargement of time in which to perfect the direct appeal (M-2131),

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

Ordered that the motion and cross motion are granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the October 2009 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-1925
Ind. No. 2866/07

Jose Reyes,

Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to file a notice of appeal from the order 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 deeming the moving papers a timely filed notice of appeal.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application
of The City of New York, et al.,
Petitioners-Appellants,

For an order Pursuant to Article 75
of the CPLR Staying an Arbitration,

-against-

M-1964
Index No. 401031/06

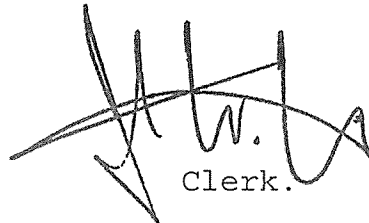
Transportation Workers Union,
Local 100,
Respondent-Respondent.

-----X
Petitioners-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 10, 2008 (mot. seq. no. 001),

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 28, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
West Side Loft, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-1937
Index No. 600740/09

IGS Realty Co., 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 March 27, 2009,

And defendants-appellants having moved for vacatur and/or modification of the stay of proceedings contained in the aforesaid order entered March 27, 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 without prejudice to further proceedings in Supreme Court.

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 28, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

-----X
Efrain Cruz,
Plaintiff-Appellant,

-against-

Sandra Lugo, et al.,
Defendants-Respondents.

M-1939
Index No. 21116/06

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 16, 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 28, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzairelli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

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

Male Sunter,
Petitioner-Appellant,

M-1960

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

Index No. 407023/07

-against-

Jonathan David, Records Access Appeals
Officer for the New York City Police
Department, et al.,
Respondents-Respondents.

-----X
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 24, 2009 (mot. seq. no. 001),

And petitioner-appellant having moved for leave to appeal to this Court from the aforesaid order of the Supreme Court, and for leave to prosecute said appeal as a poor person, upon the original record and upon 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, to the extent it seeks leave to appeal to this Court, is denied as unnecessary. So much of the motion which seeks poor person relief 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 28, 2009.

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

-----X
Mark Collins,

Plaintiff-Appellant,

-against-

M-1977

Action No. 1

Index No. 350021/06

Lorna Sheldon Collins,
Defendant-Respondent.

-----X
Mark Collins,

Plaintiff-Appellant,

-against-

Action No. 2

Index No. 400020/08

Lorna Sheldon Collins, State of New York,
Office of the District Attorney, ADA Seth
Appelbaum, City of New York, The New York
Police Department, NYPD Warrant Squad
Officers "Doe", NYPD Detective Ericks
Rodriguez,
Defendants-Respondents.

-----X

Appeals having been taken from the judgment in Action No. 1 (Index No. 350021/06) and the order in Action No. 2 (Index No. 400020/08) of the Supreme Court, New York County, each entered on or about July 18, 2008,

And orders of this Court having been entered on October 14, 2008 (M-4237 and M-4004, respectively), denying plaintiff's motions for leave to prosecute the respective appeals as a poor person and for the assignment of counsel with respect to the aforesaid appeals,

And plaintiff-appellant having moved for reargument of the aforesaid orders of this Court, and for an enlargement of time in which to perfect said appeals,

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

It is ordered that the motion, insofar as it seeks reargument of the aforesaid orders of this Court entered on October 14, 2008 (M-4237 and M-4004), is denied. So much of the motion which seeks an enlargement of time in which to perfect the aforesaid appeals is granted and plaintiff is directed to perfect said appeals for 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 28, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

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

-against-

M-1904
Ind. No. 3896/07

Kenneth Isaac,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about January 16, 2009, for leave to prosecute the appeal as a poor person, upon 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 only to the extent of deeming the notice of appeal timely filed.

The motion, insofar as it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, 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 28, 2009.

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

-----X
Lee Rosenbloom, et al.,
Plaintiffs-Appellants,

-against-

M-2114
Index No. 600535/01

Nathan Gurary, et al.,
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 19, 2009 (Appeal No. 5287),

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 28, 2009.

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

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

-against-

Oscar Sable,
Defendant-Appellant.

M-1569
Ind. Nos. 3463/03
5958/03

-----X

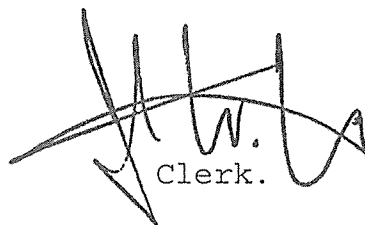
A decision and order of this Court having been entered on October 9, 2007 [Corrected Order October 17, 2007] (Appeal Nos. 1567 and 1567A), unanimously affirming the judgment of the Supreme Court, New York County (Carol Berkman, J.), rendered on September 15, 2004,

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

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

It is ordered that said application is denied.

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 28, 2009.

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

-----X
George Cutrone and Loretta Cutrone,
Plaintiffs-Respondents,

-against-

M-1120
Index No. 13349/99

New York City Transit Authority,
et al.,
Defendants-Appellants,

Malvese Equipment Co., Inc.,
Defendant-Respondent.

-----X

Plaintiffs-respondents having moved for dismissal of the appeal taken from the "second amended judgment" of the Supreme Court, Bronx County, entered on or about December 18, 2008,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties, dated May 6, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed 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 28, 2009.

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

-----X
Ruchama Gamiel,
Plaintiff-Respondent,

-against-

M-1760
Index No. 603887/02

Curtis & Riess-Curtis, P.C., et al.,
Defendants-Appellants.
(And a third-party action)

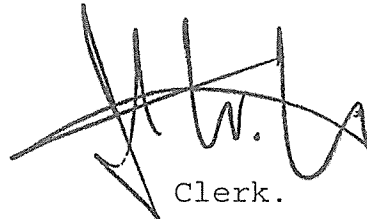
-----X

Plaintiff-respondent having moved for reargument of the decision and order of this Court entered on March 10, 2009 (Appeal No. 36), and related relief,

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

It is ordered that the motion is granted only to the extent of deeming the motion timely filed and the motion is otherwise denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on May 28, 2009.

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

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

-against-

M-1807
Ind. No. 70/06

Benito Acevedo,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about February 26, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

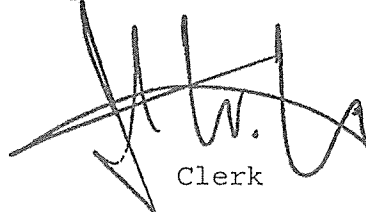
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2009.

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

-----X
In the Matter of Soheil Darvish, etc.,
Petitioner-Respondent,

-against-

For the Dissolution of
Haslacha, Inc., et al., etc.,
Respondents-Appellants.

M-1191
Index No. 123089/01

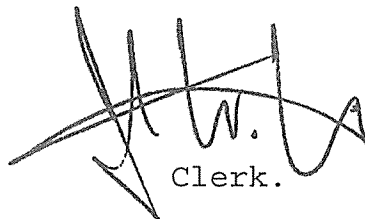
-----X

Respondents-appellants having moved for a stay of a referee hearing pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 12, 2008 (mot. seq. no. 029),

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 28, 2009.

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

-----X
In the Matter of

Nyasia M.,
Alasha M. and
Frederick M.,

M-2206
DC #54
Docket Nos. NA8215-16/06

Dependent Children Under the Age of
18 Years alleged to be Neglected
pursuant to §384-b of the Social
Services Law of the State of New York.

Administration for Children's Services,
Petitioner-Respondent,

Lakilya M.
Respondent-Appellant.

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

-----X
An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about September 21, 2006,

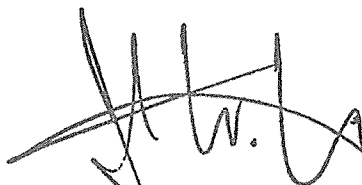
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 14, 2009, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having responded thereto by submission of an affirmation, brief, note of issue and affirmation of service,

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

Ordered that the appeal is deemed perfected for the September 2009 Term.

E N T E R:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2009.

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

-----X
Penava Mechanical Corp.,
Plaintiff,

-against-

AFGO Mechanical Services, Inc., et al.,
Defendants.

-----X
Absolute Electrical Contracting, Inc.,
Counterclaim-Plaintiff Appellant,

-against-

Uniqlo USA Inc. and Richter & Ratner
Contracting Corp.,
Counterclaim-Defendants Respondents.

M-1933
Index No. 601431/07

-----X
AFGO Mechanical Services, Inc.,
Second Counterclaimant-Plaintiff,

-against-

Uniqlo USA Inc. and Richter & Ratner
Contracting Corp.,
Additional Counterclaimant-
Defendants.

-----X

Counterclaim-plaintiff appellant Absolute Electrical Contracting, Inc. having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about February 9, 2009 (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 denied and the interim relief granted by an order of a Justice of this Court, dated April 23, 2009, is hereby 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 28, 2009.

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

-----X
Laboratory Partners, Inc.,
Plaintiff-Respondent,

-against-

M-2103
Index No. 603694/08

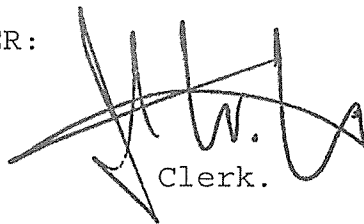
Paul Kilbourne, Sr.,
Defendant-Appellant.
-----X

Defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 27, 2009 (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 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 28, 2009.

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

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

-against-

M-1858
Ind. No. 5226/06

Rafelito Sanchez,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about December 20, 2007, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

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

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 28, 2009.

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

-----X
Caroline Rostant,
Petitioner-Respondent,

-against-

M-1867
Index No. 570288/07

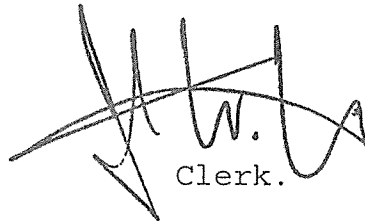
790 RSD Acquisition LLC,
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term, entered in the office of the Clerk of the Supreme Court, New York County on or about November 19, 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 28, 2009.

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

-----X
Lidia Hughes,
Plaintiff,

-against-

M-1591
Index No. 36544/05

Andre Hughes,
Defendant.

-----X


A purported appeal having been taken from the decision of the Supreme Court, Bronx County, dated April 17, 2008,

And defendant-appellant having moved for an enlargement of time in which to perfect the purported appeal, and for a stay of the decision of said Court entered on or about January 29, 2009 pending hearing and determination of the aforesaid purported 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 sua sponte, the purported appeal is dismissed without prejudice to a timely appeal from any judgment entered on said decision.

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 28, 2009.

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

-----X
Robert T. Johnson, District Attorney
of Bronx County,
Plaintiff-Claiming Authority,

-against-

M-1800
Index No. 251723/08

John Berdecia,
Defendant,

Carmen Ortega, also known as
Carmen Villafane,
Defendant.

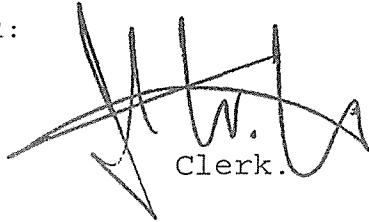
-----X

Defendant John Berdecia having moved for leave to prosecute, as a poor person, a purported appeal from the decision of the Supreme Court, Bronx County, entered on or about January 9, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for assignment of counsel, for a stay pending hearing and determination of the purported appeal, and for other relief,

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

It is ordered that the motion is denied and sua sponte, the purported appeal is dismissed as no appeal lies from a decision and no appeal lies from an order or judgment entered on default.

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 28, 2009.

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

-----X
James Brady, et al.,
Plaintiffs-Appellants,

-against-

450 West 31st Owners Corp., et al.,
Defendants-Respondents.
-----X

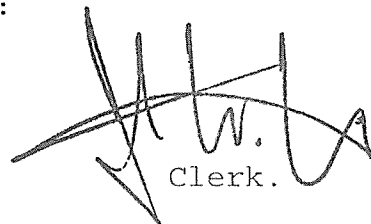
M-1797
Index No. 603741/07

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeals taken from the orders of the Supreme Court, New York County, entered on or about July 7, 2008 (mot. seq. no. 002) and July 8, 2008 (mot. seq. no. 003), and from the order and judgment (one paper) of said Court entered on or about March 26, 2009 (mot. seq. no. 005), and for consolidation of the aforesaid appeals,

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

Ordered that the motion is granted to the extent of permitting appellants to prosecute the appeals upon 10 copies of one record and one set of appellants' points covering the appeals and enlarging the time in which to perfect the consolidated appeals 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 28, 2009.

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

-----X
The People of the State of New York
ex rel. Jamal Coley,
Relator-Appellant,

-against-

M-1799
Index No. 340825/08

Warden, Rikers Island Correctional
Facility and New York State
Division of Parole,
Respondents-Respondents.

-----X

Relator having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about December 22, 2008, which dismissed a habeas corpus proceeding, and for leave to have the appeal heard 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 denied, without prejudice to renewal upon relator's submission of a notarized affidavit as to ascertain the merits of contentions, and addressing the basis of relator's continued custody.

E N T E R:


Clerk.

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

BEFORE: Hon. Richard T. Andrias,
Associate Justice

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

M-1427
Ind. No. 31/99

-against-

CERTIFICATE
DENYING LEAVE

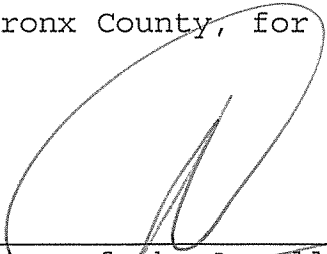
Russell Palmer,

Defendant.

-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law Section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, Bronx County, (Darcel D. Clark, J.), entered on or about February 19, 2009, which denied defendant's motion pursuant to CPL 440.10 and 440.20, is hereby denied, without prejudice to a motion, if defendant is so advised, made upon notice to the appropriate District Attorney and returnable in Supreme Court, Bronx County, for resentencing pursuant to Penal Law § 70.71.

Dated: New York, New York
May 21, 2009


Justice of the Appellate Division

ENTERED MAY 28 2009

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

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

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

M-2110
Ind. No. 2820/97

-against-

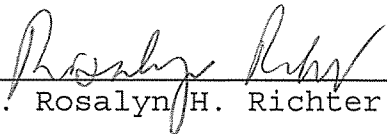
CERTIFICATE
DENYING LEAVE

Rafael Fernandez

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about May 1, 2009 is hereby denied.



Hon. Rosalyn H. Richter

Dated: May 22, 2009
New York, New York

ENTERED: MAY 28 2009

PM ORDERS 5/28/2009

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzealli
John T. Buckley
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

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

Tonya A.,

Petitioner-Respondent,

M-2150

Docket No. F17620/04

-against-

Hal H. H.,

Respondent-Appellant.
-----X

An appeal having been taken from the order of the Family Court, Bronx County, entered on or about July 11, 2008, and said appeal having been perfected,

And respondent-appellant father having moved for leave to replace his currently filed appellant's appendix and brief with a corrected appellant's appendix and brief,

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

Ordered that the motion is granted and respondent-appellant is directed to file 10 copies each of a corrected appendix and brief within 10 days of the date of this order. Should respondent-appellant fail to so correct the filing, petitioner may move on notice to dismiss the appeal.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Evangelos Gatzonis, Individually,
and Suing Derivatively on behalf
of Top Cove Associates, Inc.,
Plaintiff-Appellant,

M-1934
Index No. 602252/08

-against-

Efstathios Valiotis, and Vincent
Acquista, Esq., as escrow agent,
Defendants-Respondents.

-----X

The above-named plaintiff, in connection with the appeal taken from the order of the Supreme Court, New York County, entered on or about April 22, 2009 (mot. seq. no. 002), having moved pursuant to CPLR 5518 in the nature of a preliminary appellate injunction for an order staying the transfer of plaintiff's shares of stock to defendants, pending hearing and determination of 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 to the extent of staying the transfer of plaintiff-appellant's shares of stock to defendants-respondents on condition the appeal is perfected for the September 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that defendants-respondents serve a copy of this order upon plaintiff-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 28, 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-1020A
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 decisions and orders of this Court both entered on January 29, 2009 (Appeal Nos. 5127, 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. The order of this Court entered on May 14, 2009 (M-1020) is hereby recalled and vacated.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 28, 2009.

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

-----X
James Pettus,
Petitioner,

-against-

Hon. Robert Morgenthau, et al.,
Respondents.

M-1801
Ind. No. 6117/02

-----X

A decision and order of this Court having been entered on July 28, 2005 (Appeal No. 6113), unanimously affirming the judgment of the Supreme Court, New York County, rendered on or about October 20, 2003 (under Ind. No. 6117/02),

And petitioner having moved this Court on April 30, 2009 by Order to Show Cause dated February 24, 2009 directing the District Attorney of New York City to provide petitioner with certain material with respect to the Grand Jury proceedings which resulted in the issuance of N.Y. County Ind. No. 6117/02, 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 relief sought is denied and the petition 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 28, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Polygram Holding, Inc.,
Plaintiff-Respondent,

-against-

M-2124
Index No. 601837/03

Al Cafaro,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 29, 2009 (mot. seq. no. 011),

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

It is ordered that the motion is granted on condition that the appeal is perfected for the September 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that plaintiff serves a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.