

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 October 1, 2009.

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

-----X  
Acorn Capital Group, LLC,

Plaintiff-Respondent,

-against-

M-4143X  
Index No. 603594/08

Venander K. Mehta and Mona Mehta,

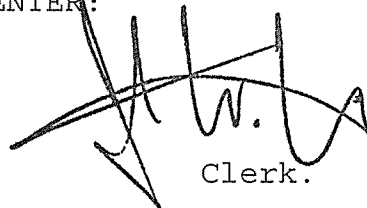
Defendants-Appellants.  
-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about February 17, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 9, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 1, 2009.

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

-----X  
George Peters,

Plaintiff-Appellant,

-against-

M-4170X  
Index No. 600482/07

Stelios Coutsodontis, et al.,

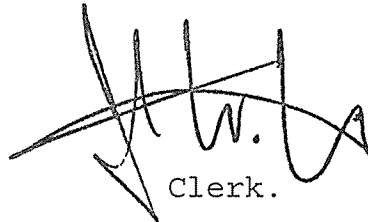
Defendants-Respondents.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 4, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 10, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 1, 2009.

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

-----X

In the Matter of the Application of  
Jewish Association for Services for  
the Aged,

M-4180  
Index No. 401534/04

Petitioner-Respondent,

As Guardian of the Person and Property  
of

Anne F., an Incapacitated Person,

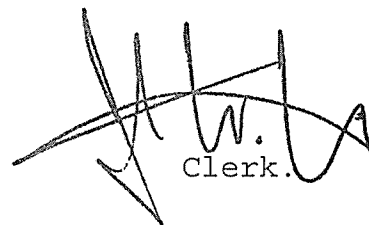
Respondent-Appellant.  
-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about December 8, 2008 and March 3, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated September 10, 2009, and due deliberation having been had thereon,

It is ordered that the appeals, previously perfected for the October 2009 Term, are 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 October 1, 2009.

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

-----X  
BDO Seidman LLP,

Plaintiff-Respondent,

-against-

M-4051  
Index No. 603018/08

Strategic Resources Corporation,  
Paul Schack and James J. Hopkins, III,

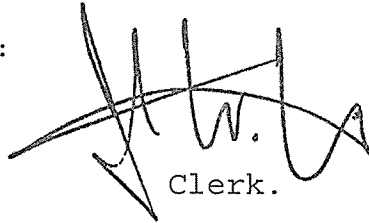
Defendants-Appellants.  
-----X

Defendants-appellants having moved for a stay of proceedings herein pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about June 17, 2009 (mot. seq. no. 002), and related relief,

Now, upon reading and filing the correspondence from Sanjit Shah, Esq. attorney for defendants-appellants, dated September 9, 2009, and the stipulation of the parties, dated September 3, 2009, and due deliberation having been had thereon,

It is ordered that the aforesaid motion for a stay of proceedings is deemed withdrawn.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 1, 2009.

Present - Hon. Luis A. Gonzalez,  
Richard T. Andrias  
David B. Saxe  
James M. Catterson  
Rolando T. Acosta,

Presiding Justice,  
  
Justices.

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

-against-

M-3766  
Ind. No. 4433/07

Jarrod Beinerman,  
Defendant-Appellant.

-----X

Defendant having renewed the motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about September 4, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

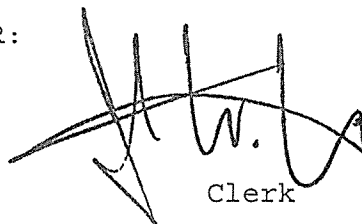
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 October 1, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
James M. Catterson  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

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

-against-

M-3670  
Ind. No. 4237N/08

Gerry Dukes,  
Defendant-Appellant.

-----X

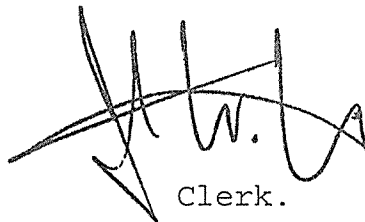
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about February 25, 2009, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 1, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzaelli  
David Friedman  
Eugene Nardelli  
James M. Catterson, Justices.

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

-against-

M-3713  
Ind. No. 86/05

Maleek Jones, also known as Jermaine  
Stroman,  
Defendant-Appellant.

-----X

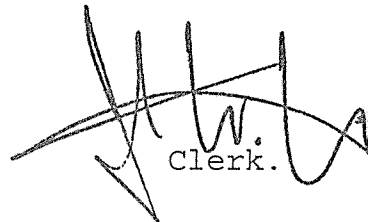
An appeal having been taken to this Court by defendant from the judgment of the Supreme Court, New York County, rendered on or about April 12, 2005,

And defendant having renewed his motion for leave to prosecute said appeal as a poor person, for the assignment of counsel, and for related relief,

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

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

Enter:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 1, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
James M. Catterson  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

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

Respondent,

-against-

M-3891  
Ind. No. 4154/00

Debra Peavey,

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 July 30, 2009, for leave to have the appeal heard 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 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 serve one copy of such brief upon the District Attorney of said county and file 10 reproduced copies of such brief, together with the original record, with this Court.

Defendant-appellant's time in which to perfect the appeal is enlarged until 120 days after 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 October 1, 2009.

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

-----X  
Whitney Pulliam, et al.,  
Plaintiffs-Appellants,

-against-

M-2387  
Index No. 116039/04

Deans Management of N.Y., Inc.,  
Defendant-Respondent,

-and-

Patricia Correa,  
Defendant.

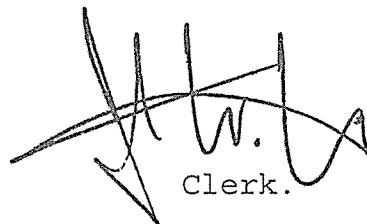
-----X

Plaintiffs-appellants having moved for reargument of the decision and order of this Court entered on April 16, 2009 (Appeal No. 337),

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 October 1, 2009.

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

-----X  
NYCTL 2004-A Trust, et al.,

Plaintiffs-Respondents,

-against-

M-2579  
Index No. 15523/05

Masjid-Al Faysal, etc.,

Defendant-Appellant.

-----  
Ron Gilbert,

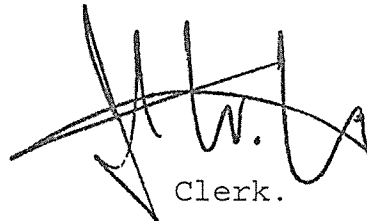
Non-Party Purchaser-Respondent.  
-----X

Non-party purchaser-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 5, 2009 (Appeal No. 481N),

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 October 1, 2009.

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

-----X  
Sigurd A. Sorenson,

Plaintiff-Appellant,

-against-

257/117 Realty, LLC, et al.,

Defendants-Respondents.  
-----X


M-3419  
Index No. 600533/06

Plaintiff-appellant having moved for renewal and/or reargument of the decision and order of this Court entered on May 28, 2009 (Appeal No. 677),

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 October 1, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Richard T. Andrias  
James M. Catterson  
Rolando T. Acosta  
Sheila Abdus-Salaam, Justices.

-----X  
Suzanne Dodson,  
Plaintiff-Respondent,

-against-

M-4078  
Index No. 350353/05

John Dodson,  
Defendant-Appellant.

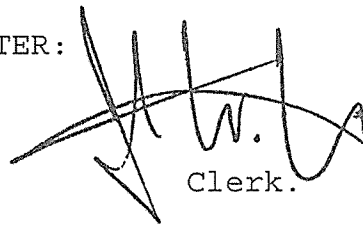
-----X

Defendant-appellant father, in connection with the appeal taken from the order of the Supreme Court, New York County, entered on or about May 5, 2009, having moved pursuant to CPLR 5518 in the nature of a preliminary appellate injunction for a revised visitation schedule, 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 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 October 1, 2009.

Present - Hon. Peter Tom, Justice Presiding,  
John W. Sweeny, Jr.  
James M. McGuire  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

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

-against-

M-3773  
Ind. No. 4927/08

Gary Sanders,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 23, 2009, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

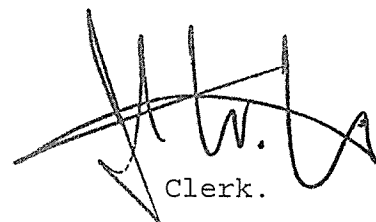
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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, 11<sup>th</sup> 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 October 1, 2009.

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

-----X  
AIU Insurance Company,  
Plaintiff-Respondent-Appellant,

-against-

M-2669  
Index No. 107366/03

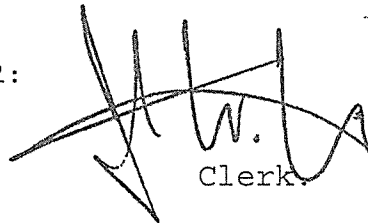
Nationwide Mutual Insurance Company,  
Defendant-Appellant-Respondent.  
-----X

Plaintiff-respondent-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 May 5, 2009 (Appeal No. 494),

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 October 1, 2009.

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

-----X  
International Plaza Associates, L.P.,  
Plaintiff-Respondent,

-against-

Michael A. Lacher, et al.,  
Defendants-Appellants.

M-3305  
Index No. 110711/06

-----  
Michael A. Lacher, et al.,  
Third-Party Plaintiffs-Appellants,

Third-Party  
Index No. 590695/07

-against-

David Nevins, et al.,  
Third-Party Defendants-Respondents.

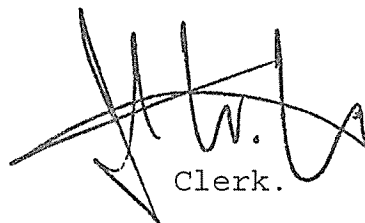
-----X

Defendants/third-party plaintiffs-appellants having moved for reargument of the decision and order of this Court entered on June 16, 2009 (Appeal No. 826),

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 October 1, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
John T. Buckley, Justices.

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

Respondent,

-against-

M-3441  
Index No. 6795/99

Gary Bowen,

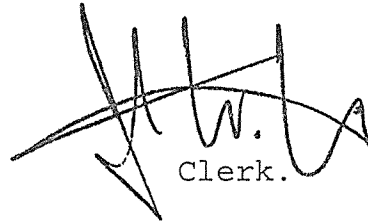
Defendant-Appellant.  
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on October 16, 2003 (Appeal No. 1856),

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 October 1, 2009.

Present: Hon. Peter Tom, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
James Brady and Jane Brady,

Plaintiffs-Appellants,

-against-

M-4073  
Index No. 603741/07

450 West 31<sup>st</sup> Street Owners Corp.,  
et al.,

Defendants-Respondents.  
-----X

Appeals having been taken from the order of the Supreme Court, New York County, entered on or about July 7, 2008 (mot. seq. no. 002) and from the order and judgment (one paper) of said Court, entered on or about March 26, 2009 (mot. seq. no. 005), and said appeals having been consolidated by the order of this Court entered on August 11, 2009 (M-3247),

And plaintiffs-appellants having moved for an enlargement of time in which to perfect the consolidated 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 enlarging the time in which to perfect the consolidated appeals to on or before November 9, 2009 for the January 2010 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeals may be entered ex parte provided that respondents serve a copy of this order upon appellants 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 October 1, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-3800  
Ind. No. 2325/03

Lendell Vaughn,  
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 16, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

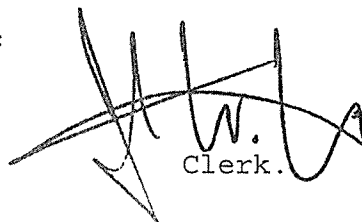
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

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 October 1, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
In the Matter of

Kevin Huling,  
Petitioner-Appellant,

For a Judgment, etc.,

M-3815

Index No. 400565/09

-against-

The New York City Health & Hospitals Corporation,  
Respondent-Respondent.

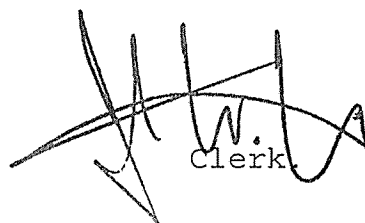
-----X

Petitioner 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 June 30, 2009, for leave to have the appeal heard 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 is granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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 October 1, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

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

-against-

M-3949  
Ind. No. 4200/08

Dwaine E. Coleman, also known as  
Eric Coleman,  
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 25, 2009, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

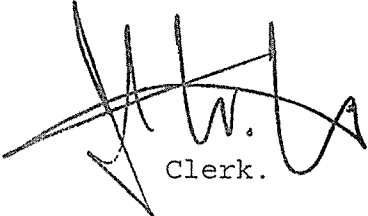
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 the County of New York on October 1, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-3817  
Case No. 44714C/05

Kwame Hoden, also known as Kwame Holden,

Defendant-Appellant.  
-----x

An order of this Court having been entered on November 8, 2007 (M-5378), granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 5, 2007, and assigning counsel therefor,

And defendant-appellant having moved, through retained counsel Adam Dratch, Esq. of Franzblau Dratch, P.C., for an order relieving assigned counsel and substituting retained counsel to prosecute the appeal, 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 relieving Steven Banks, Esq., as counsel on the appeal. The motion, to the extent that it seeks substitution of retained counsel, is denied, as unnecessary. The poor person relief previously granted is continued.

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 October 1, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

Respondent,

-against-

M-3771  
Ind. No. 814/04

Gary Brown,

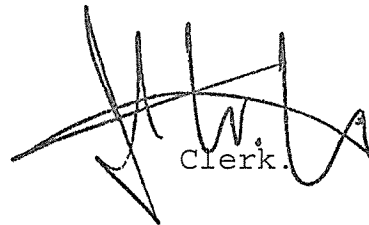
Defendant-Appellant.  
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about February 24, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant-appellant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), detailing 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 October 1, 2009.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

Nissim Y.,  
Petitioner-Appellant,

M-3870  
Docket No. F4304-86/06C

-against-

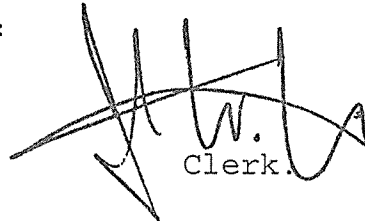
Commissioner of Social Services, on  
behalf of Violet Y.,  
Respondents-Respondents.

-----X  
Petitioner having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about May 14, 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 October 1, 2009.

PRESENT: Hon. Angela M. Mazzairelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----x  
Lawrence A. Omansky and Nicolena  
Omansky, also known as Linda Omansky,  
Plaintiffs-Appellants,

-against-

M-3398  
Index No. 102875/08

Joseph Martin Carasso,  
Defendant-Respondent.

-----x  
Lawrence A. Omansky and 64 N. Moore  
Associates,  
Plaintiffs-Appellants,

-against-

Index No. 600647/99

Robert Gurland, Mark Winkleman, Dru  
Whitacre, The Spice Building  
Condominium, and 64 No. More, LLC,  
Defendants-Respondents.

-----x

Appeals having been taken by plaintiffs from the orders of the Supreme Court, New York County, entered on or about June 17, 2009 (Index No. 102875/08) and on or about January 12, 2009 (Index No. 600647/99),

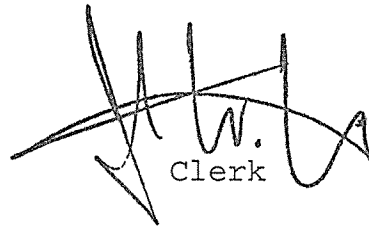
And plaintiffs-appellants having moved for an order, inter alia, enlarging the time in which to perfect the aforesaid appeals, consolidation thereof, and staying further proceedings in the Supreme Court, New York County, pending hearing and determination of said appeals,

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



It is ordered that the motion is granted to the extent of directing appellants to perfect the aforesaid appeals on or before December 7, 2009 for the February 2010 Term. The Clerk of the Court is directed to calendar said appeals for hearing together. 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 October 1, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Roselyn H. Richter, Justices.

-----X  
Nano Castec America, Inc.,

Plaintiff-Respondent,

-against-

M-3636  
Index No. 18046/06

Donz Wheelz Corporation, Frank  
Aleman and Jose Calderon, also known  
as Jose L. Calderon-Mendez,

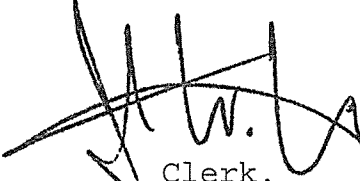
Defendants-Appellants.  
-----X

Defendants having moved for an enlargement of time in which to perfect the appeal from an order and judgment of the Supreme Court, Bronx County, entered on or about June 23, 2008 and October 22, 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 the time in which to perfect the appeal to the January 2010 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 October 1, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Nicholas Divito,  
Plaintiff-Appellant,

-against-

M-3873  
Index No. 600132/07

Dennis J. Farrell and Joel N.  
Solomon,  
Defendants-Respondents.

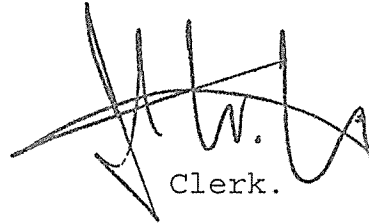
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect his appeal from an order of the Supreme Court, New York County, entered on or about October 24, 2008 (mot. seq. no. 004),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 2010 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 October 1, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
The People of the State of New York,  
ex rel. Julio Camacho,  
Petitioner-Appellant,

-against-

M-3827  
Index No. 340481/08

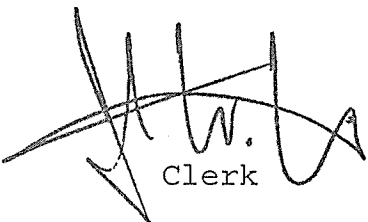
Warden, Riker's Island Correctional  
Facility, et al.,  
Respondents-Respondents.  
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about September 4, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 2010 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 October 1, 2009.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----x  
April Zimmermann, et al.,

Plaintiffs-Respondents,

-against-

M-3882  
Index No. 18563/02

The City of New York, et al.,

Defendants-Appellants.  
-----x

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about November 6, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 2010 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 October 1, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Jose Verdugo and Maria Verdugo,  
Plaintiffs-Appellants-Respondents,

-against-

M-3897

M-3966

Seven Thirty One Limited Partnership,  
Bovis Lend Lease LMB, Inc. and  
Northside Structures, Inc.,  
Defendants-Respondents-Appellants.

Index No. 100232/04

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about September 3, 2008 (mot. seq. no. 002),

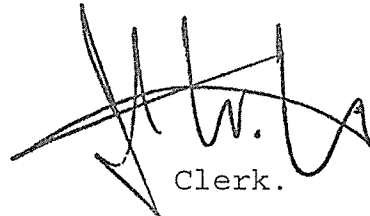
And plaintiffs-appellants-respondents having moved (M-3897) for an enlargement of time in which to perfect the direct appeal from the aforesaid order,

And, defendants-respondents-appellants having cross-moved (M-3966) for the aforesaid relief with respect to the cross 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 and cross motion are granted to the extent of enlarging the time in which to perfect the appeal and cross appeal to the January 2010 Term. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof.

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 October 1, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Sirius America Insurance Company,  
et al.,  
Plaintiffs-Respondents,

-against-

M-4070  
Index No. 600785/04

Burlington Insurance Company,  
Defendant-Appellant,

K.J.S. Construction Inc., et al.,  
Defendants.

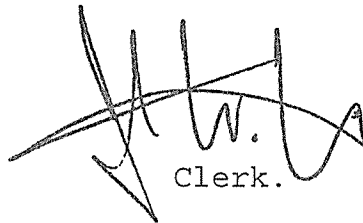
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about March 18, 2008 (mot. seq. no. 008),

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 February 2010 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 October 1, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Karla Moskowitz  
Rolando T. Acosta  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
1443 York Avenue Realty Co.,  
Plaintiff-Respondent,

-against-

M-3802  
Index No. 570192/05

Nancy Ronning,  
Defendant-Appellant.

-----X  
Kristen Ronning, et al.,  
Plaintiffs-Appellants,

-against-

1443 York Avenue Realty Co., et al.,  
Defendants-Respondents-Cross-  
Appellants.

-----X

Plaintiffs-appellants 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 July 20, 2006,

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 in the County of New York on October 1, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Carmin N. Pagano, etc.,

Plaintiff-Appellant,

-against-

M-4075

Index No. 108018/03

Pasquale J. Malpeso, M.D., et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 9, 2009,

And plaintiff-appellant having moved for a stay of discovery, 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.

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 October 1, 2009.

PRESENT - Hon: Angela M. Mazzarelli, Justice Presiding,  
David B. Saxe  
Karla Moskowitz  
Dianne T. Renwick  
Rosalyn H. Richter, Justices.

-----X  
Amazon.Com, LLC and Amazon Services, LLC,  
Plaintiffs-Appellants,

-against-

New York State Department of Taxation and  
Finance, et al.,

M-4043  
M-4121  
M-4228  
Index No. 601247/08

Performance Marketing Alliance,  
Amicus Curiae,

The Tax Foundation,  
Amicus Curiae,

American Legislative Exchange Council,  
Amicus Curiae.

-----X

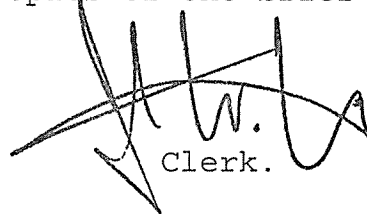
An appeal having been taken from judgment of the Supreme Court, New York County, entered on or about February 17, 2009,

And Performance Marketing Alliance (M-4043), The Tax Foundation (M-4121), and American Legislative Exchange Council (M-4228), respectively, having each moved for leave to file a brief amicus curiae with respect to the aforesaid appeal,

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

It is ordered that the motions are granted and the briefs submitted by The Tax Foundation with the moving papers herein are deemed filed. The remaining movants Performance Marketing Alliance and American Legislative Exchange Council are directed to immediately file 10 additional copies of the brief forthwith.

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 October 1, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
Eugene Nardelli  
John T. Buckley  
Rolando T. Acosta  
Helen E. Freedman, Justices.

-----X

MVAIC,  
Petitioner-Respondent,

-against-

M-3878  
Index No. 111677/08

NYC East-West Acupuncture, PC, et al.,  
Respondents-Appellants.

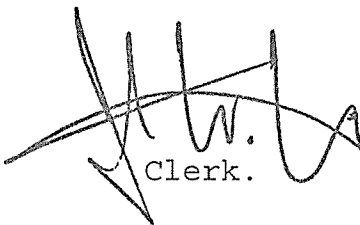
-----X

Respondents-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 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 on condition that the appeal is perfected for the January 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondents serve a copy of this order upon appellants 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 October 1, 2009.

Present: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
Jose Luis Toledo, As Administrator  
of the Estate of Joaquin Martinez,  
also known as Joaquin Martinez  
Vargas, Deceased,

M-4089  
Index No. 25092/03

Plaintiff-Respondent,

-against-

Iglesia Ni Christo,

Defendant-Appellant.  
-----X

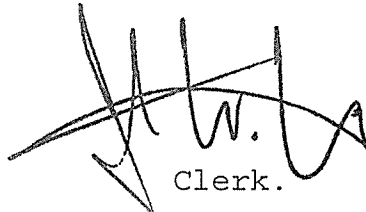
Appeals having been taken from the judgment of the Supreme Court, Bronx County, entered on or about November 6, 2008, and from the order of said Court, entered on or about April 1, 2009,

And defendant-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal taken from the judgment of the Supreme Court, Bronx County, entered on or about November 6, 2008, 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, sua sponte, the aforesaid appeals are consolidated, and the motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals to on or before November 9, 2009 for the January 2010 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 October 1, 2009.

Present: Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Roselyn H. Richter, Justices.

-----X  
Loretta Vecciarelli, et al.,

Plaintiffs-Appellants,

-against-

M-4158

Index No. 100879/08

King Pharmaceuticals, Inc., et al.,

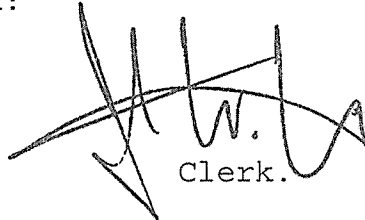
Defendants-Respondents.  
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 3, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before November 9, 2009 for the January 2010 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 October 1, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
John W. Sweeny, Jr.  
Karla Moskowitz  
Rolando T. Acosta  
Rosalyn H. Richter, Justices.

-----X  
Verizon New York, Inc.,  
Plaintiff-Respondent,

-against-

M-4084  
Index No. 116144/03

Consolidated Edison Company of New York,  
Inc., et al.,  
Defendants-Respondents,

Catoh, A division of Hayward Baker, Inc.,  
Defendant-Respondent,

-and-

Integrated Structures Corp.,  
Defendant-Appellant.

-----X  
Integrated Structures Corp.,  
Third-Party Plaintiff-Appellant,

-against-

Third-Party  
Index No. 591036/05

SLCE Architects, et al.,  
Third-Party Defendants-Respondents,

Flack & Kurtz, Inc.,  
Third-Party Defendant-Respondent.

-----  
(And other actions)  
-----X

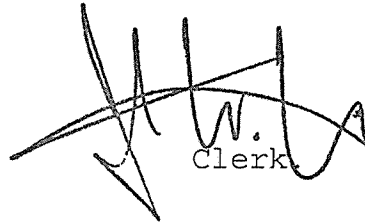
An appeal having been taken by defendant/third-party plaintiff, Integrated Structures Corp., from the order of the Supreme Court, New York County, entered on or about July 28, 2008 (mot. seq. no. 007),

And third-party defendant-respondent Flack & Kurtz, Inc. having moved for an order striking the brief of defendant-respondent Catch,

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

Ordered that the motion is granted.

ENTER:



Clerk