

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 13, 2009.

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

-----X
Rosalee DeJesus, etc., et al.,
Plaintiffs-Respondents,

-against-

M-4284X
Index No. 112753/00

191st Street Associates, LLP and
Nydia DiMartini,
Defendants-Appellants.

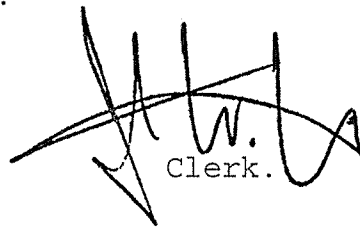
-----X
(And a third-party action)
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about June 27, 2007 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 October 13, 2009.

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

-----X
Bovis Lend Lease LMB, Inc., et al.,
Plaintiffs-Respondents,

-against-

M-4317X
Index No. 106056/07

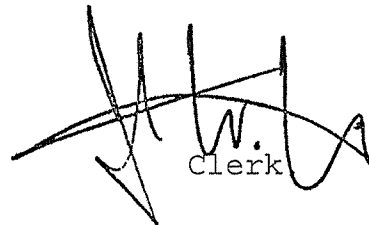
Admiral Indemnity Company,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about April 28, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 21, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 13, 2009.

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

-----X
Barbara Stewart,
Plaintiff-Appellant,

-against-

M-4322X
Index No. 350054/07

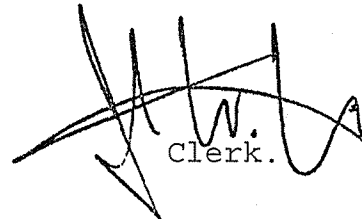
William Stewart,
Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 22, 2009 (mot. seq. no. 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 22, 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 13, 2009.

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

-----X
Hong-Gui Jiang,
Plaintiff-Respondent,

-against-

M-4307
Index No. 108617/06

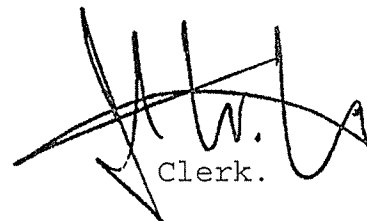
Warren Owners Ltd.,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 10, 2009 (mot. seq. no. 002),

Now, upon reading and filing the stipulation of the parties hereto, dated September 3, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2009 Term, 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 13, 2009.

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

-----X
Christopher Terry,
Plaintiffs-Respondent,

-against-

M-4331
Index No. 100048/05

The City of New York,
Defendant,

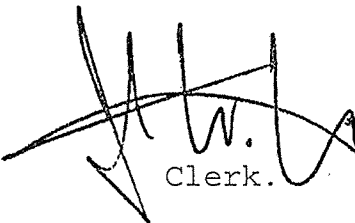
Church of St. Anthony of Padua,
Indian River, Lewis Co., N.Y.,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about February 3, 2009 (mot. seq. no. 004),

Now, upon reading and filing the stipulation of the parties hereto, dated September 16, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the September 2009 Term, 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 13, 2009.

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

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

-against-

M-4134
Ind. No. 976/08

Albert Andujar,
Defendant-Appellant.

-----X

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

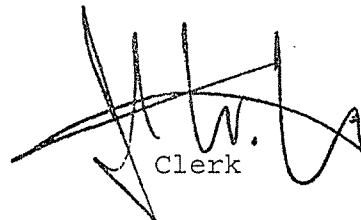
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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.

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 13, 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-

M-4137
Case No. 45830C/07

Monica Jimenez,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about July 15, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

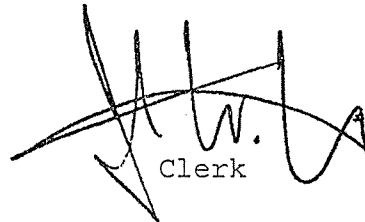
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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 13, 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-

M-4139
Ind. No. 1884/02

Herbert Long,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about August 10, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

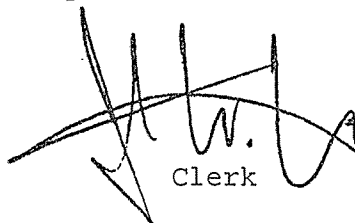
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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.

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 13, 2009.

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

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

-against-

M-4140
Ind. No. 3252/08

Jose Mejia,
Defendant-Appellant.

-----X

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

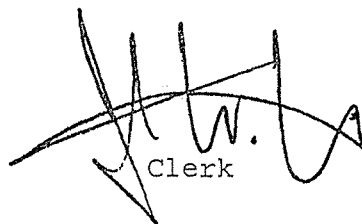
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 13, 2009.

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

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

-against-

M-4141
Ind. No. 1329/08

Craig Smith,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about July 22, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

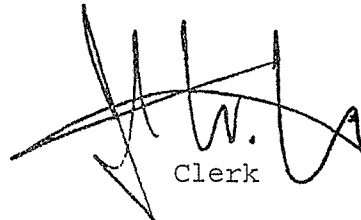
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 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 13, 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-

M-4142
Ind. No. 6723/08

Rakaiyah Willis,
Defendant-Appellant.

-----X

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

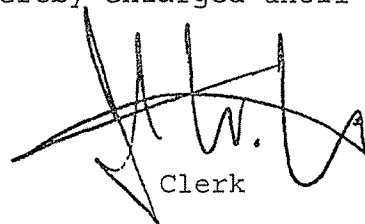
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of 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 13, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David B. Saxe
Karla Moskowitz
Roselyn H. Richter, Justices.

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

-against-

Maria Arnjas,
Defendant-Appellant.

M-3854
Ind. No. 5437/07
SCI No. 4225/08

-----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 October 2, 2008 under SCI No. 4225/08, for leave to prosecute said appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel, and to consolidate said appeal with the appeal taken from the judgment of said Court, also rendered on or about October 2, 2008 under Ind. No. 5437/07, and for related relief,

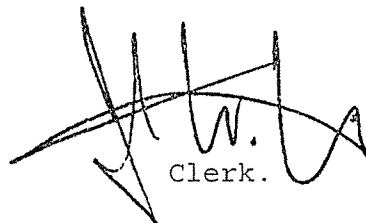
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the moving papers a timely filed notice of appeal, and permitting the consolidated appeals to be heard on the original records, 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 consolidated appeals. The time within which appellant shall perfect the consolidated appeals is hereby enlarged until 120 days from the date of filing of the records.

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 13, 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-3675
Ind. No. 4040/08

Chibuikem Ezeude,
Defendant-Appellant.

-----X

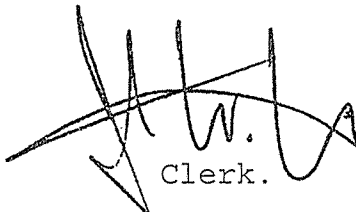
Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 22, 2009, for leave to prosecute the appeal as a poor person, on the original record and upon a reproduced appellant's brief, and for 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 timely filed.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, 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 13, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
Karla Moskowitz
Leland G. DeGrasse, Justices.

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

-against-

M-2287
Ind. No. 4422/05

Eugene Hamilton,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 3, 2008 (Appeal No. 3798), unanimously affirming a judgment of the Supreme Court, New York County (Lewis Bart Stone, J.), rendered on February 22, 2006,

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

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

It is ordered that said application is denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2009.

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

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

-against-

M-2889
Ind. No. 777/05

Anonymous,
Defendant-Appellant.
-----X

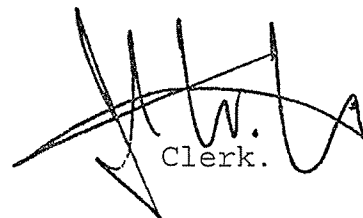
A decision and order of this Court having been entered on March 27, 2007 (Appeal No. 595), unanimously affirming a judgment of the Supreme Court, New York County (Roger Hayes, J.), rendered on November 21, 2005,

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

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

It is ordered that said application is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2009.

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

-----x
Nella Manko,
Plaintiff-Appellant,

-against-

Dr. Dana Mannor, et al.,
Defendants-Respondents,

M-4291
Index No. 109296/07

Lenox Hill Hospital, et al.,
Defendants.
-----x

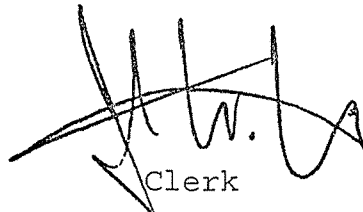
Consolidated appeals having been taken to this Court by plaintiff from orders of the Supreme Court, New York County, both entered on or about February 15, 2008 (mot. seq. nos. 001, 003),

And plaintiff-appellant having moved for an order permitting her to file a substitute reply brief (Exhibit A to the moving papers),

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

It is ordered that the motion is granted to the extent of permitting plaintiff to immediately serve and file a reply brief in conformity with the deletions contained in Exhibit A to the moving papers.

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 13, 2009.

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

-----X
Alberto Xique,
Plaintiff-Respondent,

-against-

M-3838

Index No. 6629/06

Rosario Picone and Corleone Tipica
Corp.,
Defendants-Appellants.

-----X

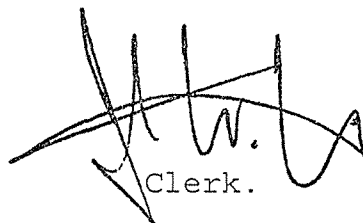
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 7, 2009,

And defendants-appellants having moved to stay re-trial of this action, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted on condition that the appeal is perfected on or before December 7, 2009 for the February 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves 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 13, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----x
In the Matter of Bertrand Girigorie, Jr.,
Brian Girigorie and Gabrielle Girigorie,
Petitioners-Respondents,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-4127
M-4278
Index No. 108897/08

New York City Department of Housing
Preservation and Development,
Respondent-Appellant,

G.R. Housing Corporation,
Respondent-Appellant.

-----x
Separate appeals having been taken to this Court from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 8, 2008,

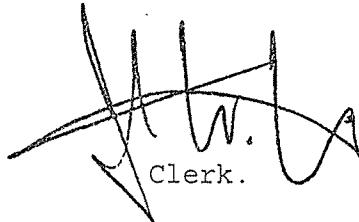
And respondent-appellant G.R. Housing Corporation having moved for an enlargement of time to perfect their appeal (M-4127),

And respondent-appellant New York City Department of Housing Preservation and Development having moved for an enlargement of time to perfect its appeal (M-4278),

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

It is ordered that the motions are granted to the extent of, sua sponte, consolidating the appeals and permitting appellants to prosecute the appeals upon 10 copies of one joint record and separate appellants' points and enlarging the time in which to perfect the consolidated appeals 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 13, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Application
of a Paternity Proceeding Under
Article 5 of the Family Court Act.

Fidel A.,
Petitioner-Appellant,

M-4300
Docket No. P16461/04

-against-

Sharon N.,
Respondent,

Wayne N.,
Respondent-Respondent.

-----X

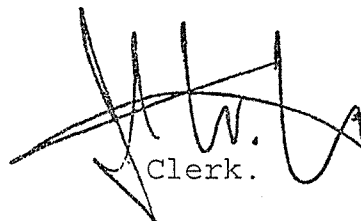
Respondent Wayne N. having moved for leave to respond, as a poor person, to the petitioner's appeal from an order of the Family Court, Bronx County, entered on or about June 14, 2007, and for assignment of counsel,

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

It is ordered that the motion is granted to the extent of (1) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorneys for petitioner and co-respondent, respectively, and 10 copies thereof are filed with this Court, and (2) assigning, pursuant to Section 18b of the County Law and § 1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of responding to the appeal.

It is further ordered that the appeal is adjourned 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 13, 2009.

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

-----X
Thomas G. Issing and Ellen Issing,
Plaintiffs-Appellants,

-against-

M-2644
Index No. 16265/06

Madison Square Garden Center, Inc.,
et al.,
Defendants-Respondents.

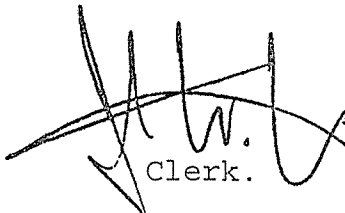
-----X
(And a third-party action)
-----X

Plaintiffs 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. 477),

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 13, 2009.

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

-----X
In the Matter of

Wendy Hazen,
Petitioner-Appellant,

M-4001
Index No. 105425/08

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

-against-

The Board of Education of the City
of New York, et al.,
Respondents-Respondents.

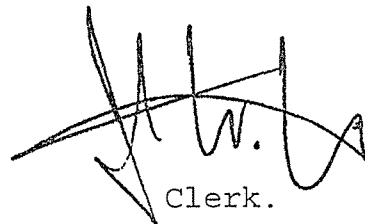
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about December 23, 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 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 13, 2009.

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

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

-against-

M-3853
Ind. No. 2923/04

Devon 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, Bronx County, rendered on or about July 15, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

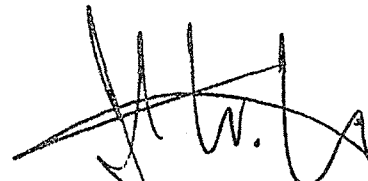
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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.

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 13, 2009.

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

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

-against-

M-4023
Ind. No. 5622/08

Miguel Cortez,
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 July 21, 2009, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

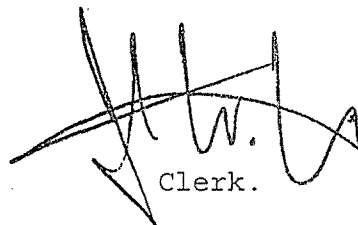
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice of appeal timely filed, and 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 13, 2009.

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

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

-against-

M-4024
Ind. No. 453/09

Robert Forrest,
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 August 25, 2009, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

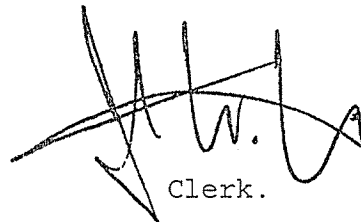
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 13, 2009.

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

-----X
Danilo Fortunato,

Plaintiff-Respondent,

-against-

M-3269
Index No. 13503/06

City of New York and Northeastern
Conference Corporation of Seventh
Day Adventists,

Defendants-Respondents,

New York City Transit Authority,
et al.,

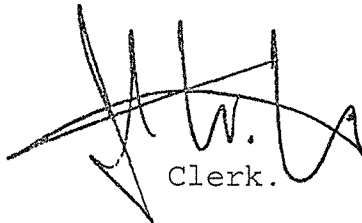
Defendants-Appellants.
-----X

Defendants-appellants 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 October 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 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 13, 2009.

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

-----X
In the Matter of

Daniel R., Jr., Kimberly L. P.,
and Melody LeB.,

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

M-4087
Docket Nos. NN101/07
NN102/07
NN115/08

Administration for Children's
Services,
Petitioner-Respondent,

Magdalena LeB.,
Respondent-Appellant.

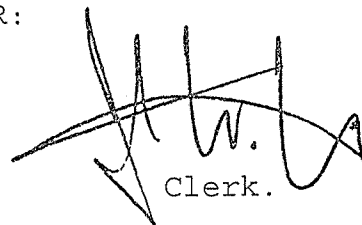
Steven Banks, Esq.,
Law Guardian for the Children.

-----X
Respondent-appellant mother having moved for an enlargement of time in which to perfect the appeal taken from the orders of disposition of the Family Court, New York County, entered on or about December 5, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the March 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 13, 2009.

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

-----x
Lynne Perry-Bottinger,
Plaintiff-Appellant,

-against-

M-4104
Index No. 310354/07

Erwin Bottinger,
Defendant-Respondent.
-----x

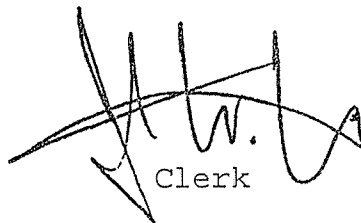
An appeal having been taken to this Court by plaintiff from the order of the Supreme Court, New York County, entered on or about October 15, 2008 (mot. seq. no. 003), and said appeal having been perfected,

And defendant-respondent having moved for an order enlarging the time to file a respondent's brief, and for an order compelling plaintiff-appellant to enlarge the record to include a certain forensic report, 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 adjourning the appeal to the December 2009 Term, and plaintiff is directed to file the aforesaid forensic report dated February 24, 2007, under seal, 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 13, 2009.

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

-----X
In the Matter of Mathilde Diaz,
Petitioner,

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

M-4098
Index No. 110497/09

-against-

New York State Department of Motor
Vehicles,
Defendant.

-----X

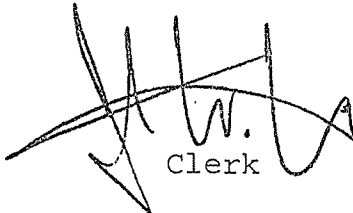
An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about August 20, 2009 (mot. seq. no. 001), to review a determination of defendant, and said proceeding having been perfected,

And petitioner having moved for an order granting preference in hearing of the proceeding, and for related relief,

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

It is ordered that the motion is granted, and the Clerk is directed to calendar the proceeding for hearing in the last week of the October 2009 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
John T. Buckley
Rosalyn H. Richter, Justices.

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

-against-

Yong Liu,
Defendant-Appellant.

M-2596
Ind. Nos. 2127/95
10257/95

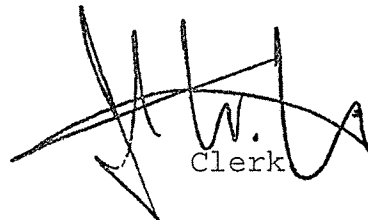
-----X
A decision and order of this Court having been entered on January 21, 2003 (Appeal No. 33), unanimously affirming a judgment of the Supreme Court, New York County (William Wetzel, J.), rendered on July 30, 1997,

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

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

It is ordered that said application is denied.

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 13, 2009.

Present - Hon. Peter Tom, Justice Presiding,
John T. Buckley
James M. Catterson
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----x
Maurice Thomas, et al.,
Plaintiffs-Appellants,

-against-

Janet Thomas,
Defendant-Respondent,

M-4231
Index No. 303860/07

-and-

Columbia House Loans, LLC,
Defendant.

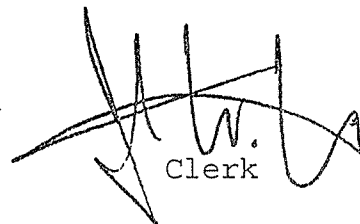
-----x
An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about June 10, 2008, and said appeal having been perfected,

And plaintiffs-appellants having moved for a stay of Civil Court eviction proceedings (Index No. L&T 7313/09) pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
John T. Buckley
Helen E. Freedman, Justices.

-----X
In re Madeline Acosta,
Petitioner-Appellant,

-against-

The New York City Department
of Education, et al.,
Respondents-Respondents.

M-2694

M-2759

Index No. 400475/07

Community Service Society, The Bronx
Defenders, Legal Action Center, The
Fortune Society, Osborne Association
and STRIVE,
Amici Curiae.

-----X
Municipal respondent The New York City Department of Education (M-2694) and respondent-respondent Cooke Center for Learning and Development having moved separately (M-2759) 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 7, 2009 (Appeal No. 4407),

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

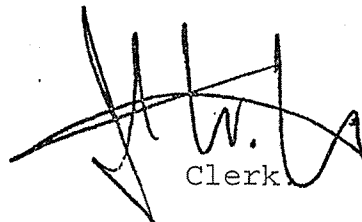
It is ordered that the motions (M-2694/M-2759), insofar as they seek reargument, are denied.

It is further ordered that the motions (M-2694/M-2759), to the extent they seek leave to appeal to the Court of Appeals are granted and this Court, pursuant to CPLR 5713, certifies that the following question of law decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

"Was the order of this Court, which, inter alia, reversed the order of the Supreme Court, properly made?"

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion.

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 13, 2009.

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

-----X
In the Matter of the Application of
Juan Moreno,
Petitioner,

For an order Pursuant to Article 78
of the Civil Practice Law and Rules,

M-3885
Index No. 112189/08

-against-

The City of New York Department of
Housing Preservation and Development
and 1199 Housing Corporation,
Respondents.

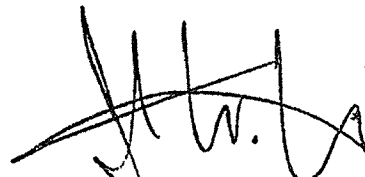
-----X
An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about November 17, 2008 (mot. seq. no. 002), to review a determination of municipal respondent,

And respondent 1199 Housing Corporation having moved for dismissal of the aforesaid proceeding,

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

It is ordered that the motion is granted and the proceeding 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 October 13, 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-3910

Ind. No. 5122/08

James Shand,

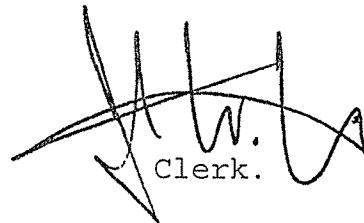
Defendant-Appellant.
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 28, 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's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to post the \$10,000 bail in the Supreme Court, the disposition thereof, and an explanation as to why similar funds are not available to prosecute the 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 13, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Dianne T. Renwick
Sheila Abdus-Salaam, Justices.

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

-against-

M-4013
Ind. No. 1228/08

Lualma Blackwell,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 1, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

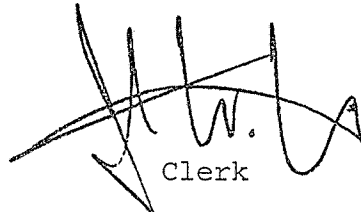
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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 13, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
James M. McGuire, Justices.

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

-against-

M-3994
Ind. No. 6622/05

Donald Medard,
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 November 21, 2006,

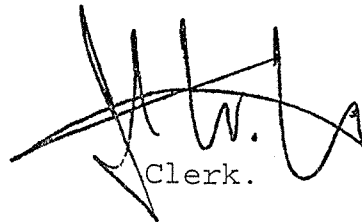
And an order of this Court having been entered on April 10, 2007 (M-626) denying defendant's motion for leave to prosecute the aforesaid appeal as a poor person and for the assignment of counsel,

And defendant having renewed his motion for the aforesaid 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, Alexander Lombard, 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 13, 2009.

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

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

-against-

M-2547
Ind. No. 1336/83

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

-----X

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

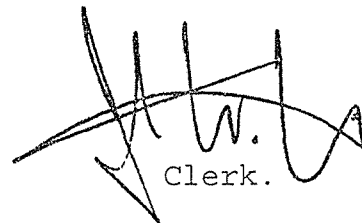
And an order of this Court having been entered on May 14, 2009 (M-1210) denying defendant's application in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel, and for related relief,

And defendant having moved for reargument of the aforesaid order of this Court entered on May 14, 2009,

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

It is ordered that said 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 13, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Eugene Nardelli
John T. Buckley
Rolando T. Acosta
Leland G. DeGrasse, Justices.

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

-against-

M-2248
Ind. No. 4363/06

George Hayes,
Defendant-Appellant.

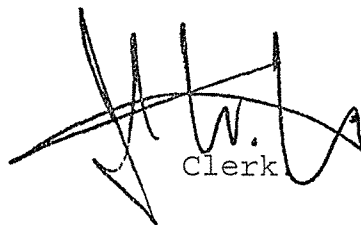
-----X

Defendant-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 April 7, 2009 (Appeal No. 253),

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

It is ordered that the motion to the extent it seeks reargument is denied. So much of the motion which seek leave to appeal to the Court of Appeals is dismissed as moot, defendant's application for leave being presently before Judge Jones in the Court of Appeals.

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 13, 2009.

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

-----X
Kristina Teichman, also known as
Kristina Bohmova,
Plaintiff-Respondent,

-against-

M-4095
Index No. 310316/06

Boris Teichman,
Defendant-Appellant.

-----X

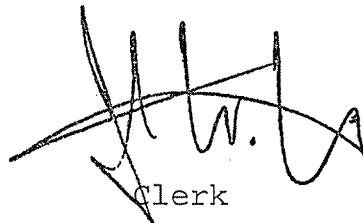
An appeal having been taken to this Court by defendant from the order of the Supreme Court, New York County, entered on or about January 31, 2008 (mot. seq. no. 008),

And defendant-appellant having moved for a stay of all proceeding pending hearing and determination of the aforesaid appeal, and for preference in hearing of the appeal,

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

It is ordered that the motion is denied.

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 13, 2009.

PRESENT: Hon. Angela M. Mazzaelli, Justice Presiding,
Karla Moskowitz
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Lynn Lucka Bergman,
Plaintiff-Respondent,

-against-

M-3886
Index No. 350257/02

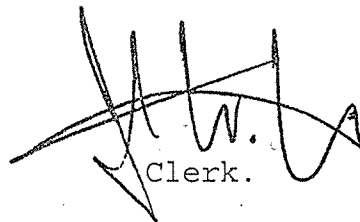
Frank Bergman,
Defendant-Appellant.
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about April 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 denied and the appeal is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 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-3993
Ind. No. 4399/08

Alonzo Cheeks,
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 28, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

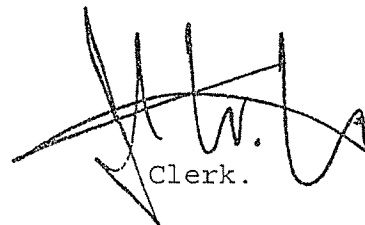
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

Steven M. 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 13, 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-3845
Ind. No. 815/08

Terry Chapman,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about March 23, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

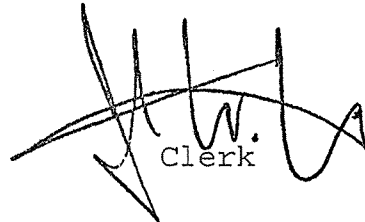
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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.

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. (See the order of this Court entered on July 2, 2009 [M-2628] granting defendant poor person relief and assignment of counsel with respect to defendants appeal from the judgment of the Supreme Court, Bronx County, [Ind. No. 4026/07] rendered on or about May 12, 2009. Counsel is directed to perfect the aforesaid appeals simultaneously).

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 13, 2009.

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

-----X
Youni Gems Corporation, et al.,
Plaintiffs-Appellants-Respondents,

-against-

M-3843
Index No. 603053/02

Bassco Creations Incorporated,
Efraim Basalel and Eliahu Basalel,
all doing business as Bassco
Creations,
Defendants-Respondents-Appellants.

-----X

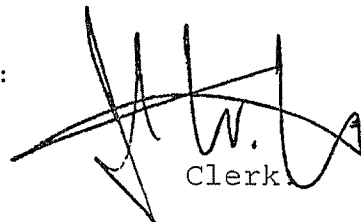
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 14, 2008 (mot. seq. no. 004),

And Jeffrey H. Miller, Esq., Miller Law Offices, PLLC, current counsel for plaintiffs-appellants-respondents, having moved to be substituted as counsel of record on plaintiffs' appeal, to direct Lloyd A. Gelwan, Esq. and Glenn Backer, Esq., former counsel for plaintiffs-appellants-respondents to immediately deliver all files with respect to said appeal and cross appeal to the Miller Law Offices, PLLC, without payment of any fee or the fixation of any lien, for an enlargement of time in which to perfect said 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, to the extent it seeks both substitution of counsel and an enlargement of time in which to perfect the appeal and cross appeal, is denied as unnecessary (See M-2937 & M-3125, entered on August 25, 2009). The motion is otherwise denied, without prejudice to proceeding in Supreme Court with respect to the issue of outgoing counsel's retaining lien.

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 13, 2009.

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

-----X
In the Matter of the Application of
Soheil Darvish holder of one-half of all
outstanding shares entitled to vote in
election of Directors of Haslacha, Inc.,
Urban Homes, Inc. and Primary Residence,
Inc.,
Petitioner-Respondent,

M-310
M-312
M-462
M-463
M-811

Index No. 123089/01

-against-

For the dissolution of Haslacha, Inc.,
Urban Homes, Inc. and Primary Residence,
Inc., domestic Corporations pursuant to
§ 1104 of the BCL.,
Respondents-Appellants.

-----X
Marc A. Landis, permanent receiver for Haslacha, Inc.,
having moved this Court for an order, inter alia, dismissing the
notice of appeal dated January 22, 2009 by David Lavian on behalf
of Haslacha, Inc. from an order of the Supreme Court, New York
County, entered on or about December 19, 2008 (M-310),

And Marc A. Landis, permanent receiver for Haslacha, Inc.,
having moved this Court for an order, inter alia, dismissing the
notice of appeal dated January 7, 2009 by Yung H. Hsu, on behalf
of Haslacha, Inc., from the orders of the Supreme Court, New York
County, entered on or about December 15, 2008 and December 31,
2008, and the notice of appeal dated January 7, 2009 by Yung H.
Hsu, on behalf of Haslacha, Inc., from an order of the Supreme
Court, New York County, entered on or about December 24, 2009
(M-312),

And Marc A. Landis, permanent receiver for Haslacha, Inc.,
having moved this Court for an order, inter alia, dismissing the
notice of appeal by Yung H. Hsu dated January 7, 2009, on behalf
of Haslacha, Inc., from the order of the Supreme Court, New York
County, entered on or about December 19, 2008 (M-462),

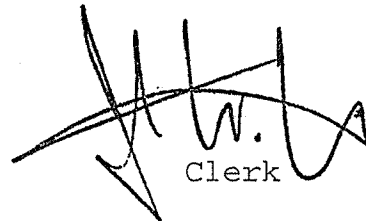
And Marc A. Landis, permanent receiver for Haslacha, Inc., having moved this Court for an order, inter alia, dismissing the amended notice of appeal by Yung H. Hsu on behalf of Haslacha, Inc., from the order of the Supreme Court, New York County, entered on or about December 24, 2008 (M-463),

And petitioner Soheil Darvish having moved this Court for an order, inter alia, dismissing the notice(s) of appeal by David Shahram Lavian, individually and on behalf of Haslacha, Inc. dated January 22, 2009, January 29, 2009 and February 5, 2009 from the order(s) of the Supreme Court, New York County, entered on or about December 19, 2008, December 24, 2008 and December 31, 2008, respectively (M-811),

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 (M-310/M-312/M-462/M-463/M-811) are granted and the aforesaid appeals are dismissed. (See M-647/M-790, decided simultaneously herewith.)

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2009.

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

-----X
David Shahram Lavian, suing derivatively
on behalf of N.Y.B.K. Development, Inc.,
Glorious Homes, Inc., Urban Homes, Inc.
and Primary Residence, Inc.,
Plaintiff-Appellant,

M-647
M-790

-against-

Index No. 115301/01

Soheil Darvish and Niloofar Darvish,
Defendants-Respondents,

Marvin Klein,
Defendant-Respondent.

-----X

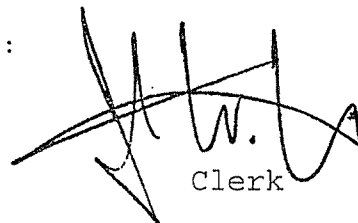
Defendants-respondents Soheil Darvish and Niloofar Darvish having moved this Court for an order dismissing the notice(s) of appeal dated January 14, 2009, January 14, 2009 and January 20, 2009 by petitioner David Shahram Lavian from the order(s) of the Supreme Court, New York County, each order entered on or about December 15, 2008 (M-647),

And defendant-respondent Marvin Klein having cross-moved for an order of this Court dismissing the aforesaid appeals (M-790),

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 (M-647) and cross motion (M-790) are granted and the aforesaid appeals are dismissed. (See M-310/M-312/M-462/M-463/M-811, decided simultaneously herewith.)

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Jarrold G., Jr. and Daniel G.,

Children Under 18 Years of Age Alleged
to be Neglected under Article 10 of
the Family Court Act.

M-4186
Docket Nos. NN-1786/06
NN-11920/06

Administration for Children's Services,
Petitioner-Respondent,

Jarrold G.,
Respondent-Appellant.

Lisa Blitman, Esq.,
Law Guardian for the Children.

-----X

An order of this Court having been entered on December 4, 2008 (M-4863), inter alia, granting respondent father leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about August 19, 2008, and assigning counsel therefor,

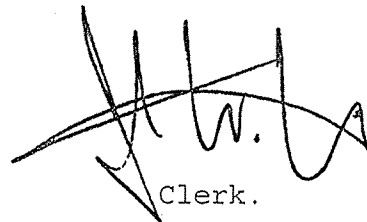
And law guardian for the children, Alexis Montebaun, Esq. having moved for an order to be relieved as law guardian and to substitute other counsel to respond to the appeal,

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

It is ordered that the motion is granted to the extent of relieving movant as law guardian and substituting, pursuant to Section 18b of the County Law and § 1120 of the Family Court Act, Lisa Blitman, Esq., 225 Broadway, Suite 1203, New York, NY 10007, Telephone No. (917) 670-4835, as counsel for purposes of responding to the appeal.

It is further ordered that the appeal is adjourned 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 13, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----x
Project Orange Associates, L.P.,

Plaintiff-Appellant,

-against-

Syracuse University,

Defendant-Respondent.
-----x

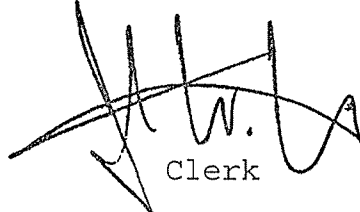
M-4255
Index No. 602794/08

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about December 12, 2008 (mot. seq. no. 003),

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 13, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Jeffrey Cooper, O.D.,
Plaintiff-Appellant,

-against-

M-4069
Index No. 100708/09

Number 535 Park Avenue,
Defendant-Respondent.

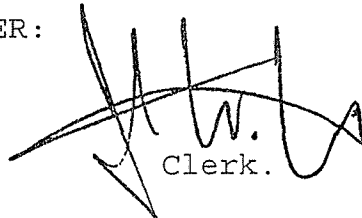
-----X

Plaintiff-appellant having moved for a stay of related Civil Court proceedings in the matter: Number 535 Park Avenue - v- Jeffrey Cooper 539 Park Avenue Apartment No. B1, Index No. L&T 53064/09 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 July 17, 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 granted to the extent of continuing the relief afforded appellant by an order of a Justice of this Court, dated September 3, 2009, pending hearing and determination of the aforesaid appeal, upon condition of continued payment of use and occupancy.

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 13, 2009.

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

-----X
Travelers Casualty and Surety Company,
Plaintiff-Appellant,

-against-

M-3110
Index No. 107138/06

Honeywell International, Inc.,
Defendant-Respondent,

American Re-Insurance Company, et al.,
Defendants,

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

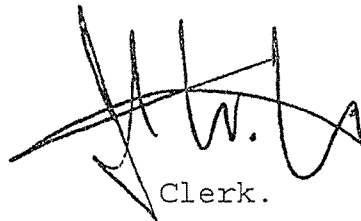
-----X

Defendants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 4, 2009 (Appeal No. 726),

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 13, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Fidelity National Title Insurance
Company, et al.,
Petitioners-Appellants,

Shelia Ferrari, as mother and natural
guardian of Rachel Ferrari, et al., M-4182
Petitioners-Intervenors-Appellants, Index No. 110144/08

-against-

Regent Abstract Services, Ltd., et al.,
Respondents,

-and-

New York Life Insurance Company,
Respondent-Respondent.
-----X

Separate appeals having been taken by petitioners and by petitioners-intervenors from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 12, 2009,

And respondent-respondent having moved for an order striking portions of appellants' briefs which advance arguments that were not raised before the IAS Court or, in the alternative, to grant respondent leave to enlarge the record on 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 of directing appellants to physically delete from the appellants' briefs filed in this Court the arguments which were not raised or addressed by the IAS Court (Point III of petitioners-appellants' brief and Point II of intervenors-appellants brief), correct the table of contents thereof to reflect the deletions, and adjourn the appeal to the December 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
Fidelity National Title Insurance
Company, et al.,
Petitioners-Appellants,

Shelia Ferrari, as mother and natural
guardian of Rachel Ferrari, et al., M-4182
Petitioners-Intervenors-Appellants, Index No. 110144/08

-against-

Regent Abstract Services, Ltd., et al.,
Respondents,

-and-

New York Life Insurance Company,
Respondent-Respondent.

-----X

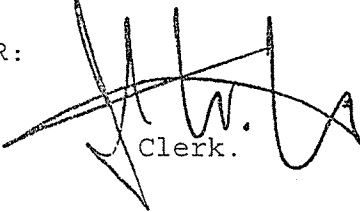
Separate appeals having been taken by petitioners and by petitioners-intervenors from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 12, 2009,

And respondent-respondent having moved for an order striking portions of appellants' briefs which advance arguments that were not raised before the IAS Court or, in the alternative, to grant respondent leave to enlarge the record on 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 of directing appellants to physically delete from the appellants' briefs filed in this Court the arguments which were not raised or addressed by the IAS Court (Point III of petitioners-appellants' brief and Point II of intervenors-appellants brief), correct the table of contents thereof to reflect the deletions, and adjourn the appeal to the December 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 13, 2009.

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

-----X
Harry Soriano,

Plaintiff-Appellant,

-against-

M-4033
Index No. 28970/02

Rosa Inoa, et al.,

Defendants-Respondents.
-----X

Plaintiff-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 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 13, 2009.

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

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

Nehemiah Leckie,
Petitioner-Appellant,

M-4086
Index No.401024/09

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

-against-

New York City Department for the Aging
and NYC Senior Citizen Rent Increase
Exemption Scie Program,
Respondents-Respondents.

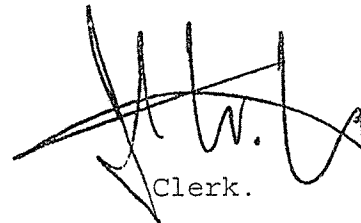
-----X

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, entered on or about August 12, 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 13, 2009.

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

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

-against-

M-4036
Ind. No. 4341/08

Sixto Alvarez,
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 5, 2009, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

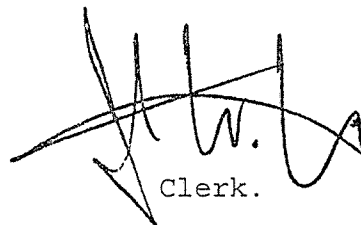
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of deeming the notice of appeal timely filed, and 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 13, 2009.

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

-----x
Luisa C. Esposito,
Plaintiff-Respondent,

-against-

M-4189
Index No. 109446/06

Allen H. Isaac, Individually,
Defendant-Appellant,

Gladstein & Isaac, et al.,
Defendants.

-----x

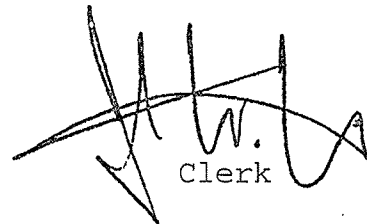
An appeal having been taken to this Court from an order of transfer of the Supreme Court, New York County, entered on or about October 17, 2008, and said appeal having been perfected,

And defendant-appellant having moved, pursuant to CPLR 5519(c), for a stay of transfer and all proceedings in Civil Court pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of staying trial pending hearing and determination of the appeal. The motion is otherwise denied.

ENTER:


Clerk

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

BEFORE: Hon. Dianne T. Renwick
Associate Justice of the Appellate Division

Seth Mensah,

Plaintiff,

-against-

M-4236

Index No. 102406/99

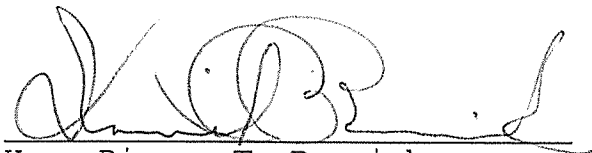
Prof Iraj Kalkoran, Lockheed Martin
Corporation, European Space Agency

Defendants.
-----X

Plaintiff having moved to reargue the denial of his motion for leave to appeal to this Court from the order of the Supreme Court, New York County, entered, on plaintiff's default, on or about May 21, 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.



Hon. Dianne T. Renwick
Associate Justice

Dated:
New York, New York

Entered: **OCT 13 2009**

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

BEFORE: Hon. Sheila Abdus-Salaam
Justice of the Appellate Division

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

M - 3482
Ind. No. 864/2009

-against-

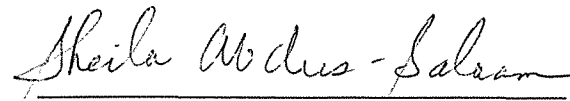
CERTIFICATE
DENYING LEAVE

Rene Munoz

Defendant.

-----X

I, Sheila Abdus-Salaam, 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 July 20, 2009 is hereby denied.



Associate Justice

Dated: October 5, 2009
New York, New York

ENTERED: **OCT 13 2009**

PM ORDERS

ENTERED

OCTOBER 8, 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 October 8, 2009.

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

-----x
Kevin Pludeman, et al.,
Plaintiffs-Appellants-Respondents,

-against-

M-3956
Index No. 101059/04

Northern Leasing Systems, Inc., et al.,
Defendants-Respondents-Appellants.
-----x

A decision and order of this Court having been entered on May 15, 2007 (Appeal No. 159), modifying the order of the Supreme Court, New York County (Sherry Klein Heitler, J.), entered on April 7, 2005, which, inter alia, reinstated, against the corporate defendant, the cause of action for breach of contract, and otherwise affirming the order,

And an order of this Court having been entered on December 23, 2008 (M-3436), inter alia, directing plaintiffs to pay \$1,940.13 for their share of costs of a joint record on appeal in accordance with 22 NYCRR 600.11(d) [Appeal No. 159],

And an order of this Court having been entered on July 21, 2009 (M-1104), inter alia, awarding defendants, pursuant to 22 NYCRR 130-1.1(a), an award of costs and attorneys' fees as sanctions for frivolous conduct, and directing plaintiffs to pay \$1,940.13 as previously directed by the order of this Court entered on December 23, 2008 (M-3436),

And by notice dated July 8, 2009, plaintiffs having taken an appeal from the order of the Supreme Court, New York County, entered on or about June 30, 2009, and by cross notice dated July 20, 2009, defendants having taken a cross appeal from the aforesaid order of Supreme Court entered on or about June 30, 2009,

And defendants-respondents-appellants having moved this Court for an order, inter alia, striking the joint record on appeal heretofore filed by plaintiffs, or for alternative relief with respect thereto, and removing plaintiffs' direct appeal from

the calendar until such time as plaintiffs and their counsel comply with the prior orders of this Court entered on December 23, 2008 (M-3436) and July 21, 2009 (M-1104), and for related and 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 plaintiffs' direct appeal is stricken from the calendar, with leave to plaintiff's to seek to reinstate the direct appeal for the January 2010 Term of Court, within 10 days after the date hereof upon a demonstration of payment to defendant Northern Leasing Systems, Inc. of \$1,940.13, and with leave to defendants to serve and file an amended or supplemental record correcting the inaccuracies in the record identified in Exhibit I to the moving papers at the time of filing the defendants' points in response to the direct appeal and on the cross appeal, with costs to abide the event. So much of the motion which seeks to supplement the record with certain submissions is denied. Should plaintiffs' fail to so re-perfect as indicated, defendants are directed to perfect the cross appeal as a direct appellant for the next available Term of Court on the record and amended or supplemental record.

ENTER:



Clerk