

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 20, 2009.

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

-----X
New York Life Investment
Management, LLC,
Plaintiff-Appellant,

-against-

M-4384X
Index No. 602682/08

Blue Mountain Credit Alternatives
Master Fund, L.P., et al.,
Defendants-Respondents.

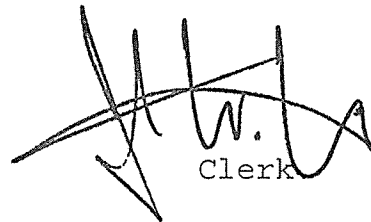
-----X

An appeal having been taken from an order and a judgment of the Supreme Court, New York County, entered on or about March 10, 2009 (mot. seq. no. 001) and March 17, 2009, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 24, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 20, 2009.

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

-----X
ADG Capital LLC,
Plaintiff-Appellant,

-against-

Jonathan D. Stern,
Defendant-Respondent.

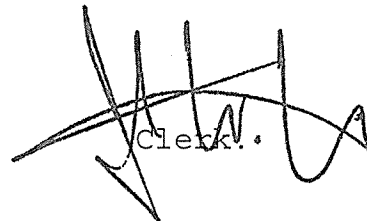
M-4385X
Index No. 603545/08

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 24, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 20, 2009.

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

-----X
Steve Jafargian,
Plaintiff-Appellant,

-against-

M-4386X
Index No. 111069/08

IAC, IAC/Interactivecorp., et al.,
Defendants-Respondents.

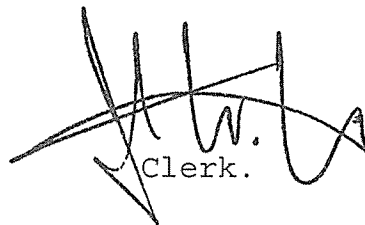
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 24, 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 20, 2009.

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

-----X
Private Capital Group, LLC, and
Ficus Investments, Inc.,
Plaintiffs-Respondents,

-against-

M-4387X
Index No. 650338/07

Private Lender Service Corp.,
et al.,
Defendants-Appellants.

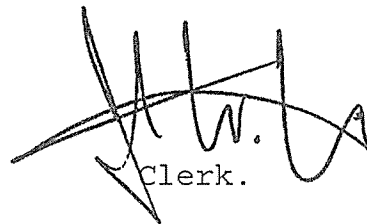
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 26, 2009 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 24, 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 20, 2009.

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

-----X
24 Seven Inc. and 24 Seven Online,
Inc.,
Plaintiffs-Appellants,

-against-

M-4512X
Index No. 600547/04

Christian Fiorello, Savatore Furia,
Demitra Parets, The Gromwell Group,
Inc., Gromwell Staffing Inc.,
Gromwell Temps, Inc. and Gromwell
LLC,
Defendants-Respondents.

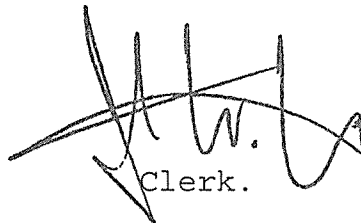
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 30, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 30, 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 20, 2009.

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

-----X
Oxford Health Insurance, Inc.,
Plaintiff-Appellant,

-against-

M-4513X
Index No. 603020/06

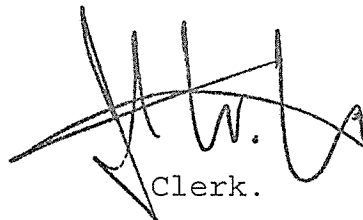
Edward Powers, M.D.,
Defendant-Respondent.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 3, 2008 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" September 30, 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 20, 2009.

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

-----X
Jane Gladstein,
Plaintiff-Respondent,

-against-

M-4440
Index No. 602276/07

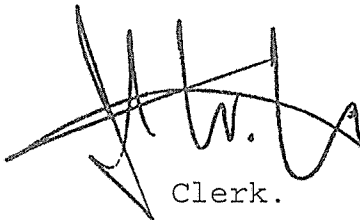
Christopher H. Martorella,
Defendant-Appellant.
-----X

An appeal having been taken from the order and judgment of the Supreme Court, New York County, entered on or about April 23, 2008 (mot. seq. no. 001) and April 29, 2008, respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, dated September 24, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 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 20, 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-3770
Ind. No. 4747/07

Andre Barnes,
Defendant-Appellant.

-----X

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

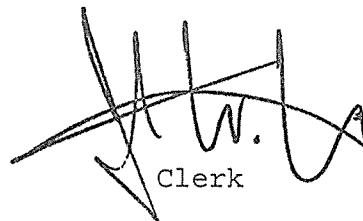
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 20, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
John W. Sweeny, Jr.
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Milton Moracho,
Plaintiff-Respondent,

-against-

M-4128

M-4346

Open Door Family Medical Center, Inc., Index No. 103377/07
doing business as Open Door Family
Medical,
Defendant-Appellant-Respondent,

Primary Care Development Corporation,
Defendant,

Scully Construction Corp. and Scully
Construction, LLC,
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 March 24, 2009 (mot. seq. no. 003),

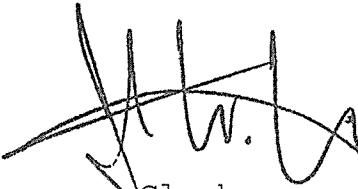
And defendants-respondents-appellants having moved for an order enlarging the record on appeal to include the entire contract between the respective appealing parties, (M-4128),

And defendant-appellant-respondent having cross-moved for an order striking the brief submitted by defendants-respondents-appellants on the ground that it makes reference to matter dehors the record (M-4346),

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

Ordered that the motion is denied. The cross motion is granted to the extent of striking the brief submitted by defendants-respondents-appellants, and adjourning the appeal and cross appeal to the January 2010 Term without prejudice to defendants-respondents-appellants filing a corrected brief which omits all references to documents dehors the record on appeal.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2009.

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

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

Jason E.,
Petitioner-Respondent,

-against-

M-3896
Docket No. P24343/06

Tania G.,
Respondent.

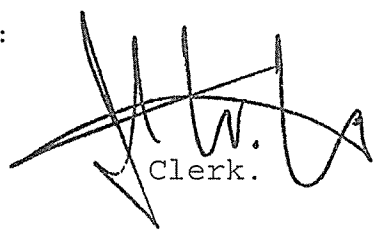
Gregory W.,
Non-Party Appellant.
-----X

Petitioner-respondent, Jason E., having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about December 12, 2008, for the assignment of counsel, a free copy of the transcript, 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 (1) sua sponte, adjourning the perfected appeal to the January 2010 Term; (2) assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Julian Hertz, Esq., 15 Sherwood Drive, Larchmont, NY 10538, Telephone No. (914) 834-5461, as counsel for purposes of responding to the appeal; and (3) 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 attorney for appellant and 10 copies thereof are filed with this Court.

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 20, 2009.

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

-----X
Lisa Riley, et al.,
Plaintiffs-Respondents,

-against-

M-4083
Index No. 303097/08

Segan, Nemerov & Singer, P.C., et al.,
Defendants-Appellants.

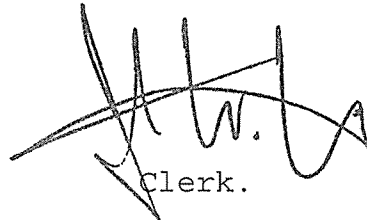
-----X

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 September 29, 2008,

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

It is ordered that the motion is granted to the extent of enlarging 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 20, 2009.

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

-----X
Linda Roberts,
Plaintiff-Appellant, M-4160
M-4161
-against- Index No. 300415/02

Ari Zoldan,
Defendant-Respondent.
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about July 31, 2009 and August 21, 2009, respectively,

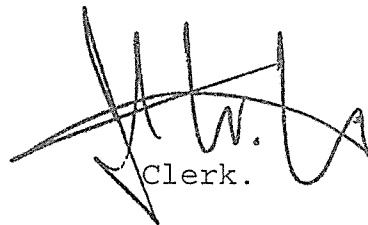
And Randi L. Karmel, Esq., having moved to be relieved as defendant-respondent's counsel with respect to the aforesaid appeals (M-4160),

And plaintiff-appellant having cross-moved to stay enforcement of the aforesaid orders, pending hearing and determination of the appeals, and for related relief (M-4161),

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 to relieve counsel (M-4160) is granted to the extent of deeming the consent to change attorney as filed. (See CPLR 321[a].) The cross motion (M-4161) 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 20, 2009.

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

-----X
Nelida Aller,
Plaintiff-Appellant,

-against-

M-4059
Index No. 108480/04

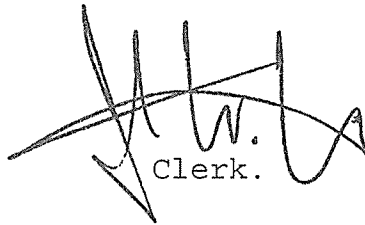
The City of New York, et al.,
Defendants-Respondents.
-----X

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before December 7, 2009 for 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 20, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Eugene Nardelli
James M. Catterson
Karla Moskowitz, Justices.

-----X
Ari Kramer, as Executor of the Estate
of Virginia Casey Bush and as
Administrator d.b.n. of the Estate
of Irving T. Bush,
Plaintiff-Appellant,

-against-

M-2962
Index No. 101978/05

Ioannis Danalis,
Defendant-Respondent.

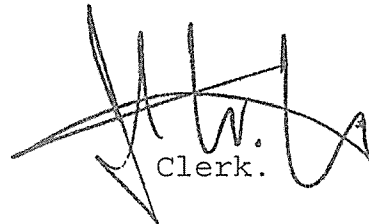
-----X

Plaintiff-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 26, 2009 (Appeal No. 122),

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 that it seeks reargument is granted, and upon reargument, the decision and order of this Court entered on May 26, 2009 (Appeal No. 122) is recalled and vacated and a new decision and order substituted therefor. (See Appeal No. 122, decided simultaneously herewith.) The motion to the extent that it seeks leave to appeal to the Court of Appeals is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2009.

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

-----X
Skilled Investors, Inc.,
Plaintiff,

-against-

M-2650
Index No. 603818/03

Bank Julius Baer & Co., Ltd., et al.,
Defendants.

Bank Julius Baer & Co., Ltd.,
Plaintiff-Appellant,

Bernard Spilko,
Plaintiff,

-against-

Baruch Ivcher, et al.,
Defendants-Respondents,

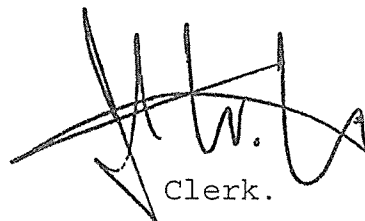
Menachem Ivcher, et al.,
Defendants.

-----X
Baruch Ivcher and Waxfield Limited having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 5, 2009 (Appeal No. 498),

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

It is ordered that the motion is denied (See M-2651/M-2666 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 20, 2009.

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

-----X
B.B.C.F.D., S.A.,
(A Panamanian Corporation), et al.,
Plaintiffs,

-against-

M-2651
Index Nos. 604084/03
603818/03

Bank Julius Baer & Co. Ltd., et al.,
Defendants-Respondents,

Julius Baer Americas, Inc., etc., et al.,
Defendants,

Baruch Ivcher, et al.,
Defendants-Appellants.
(And Other Actions)

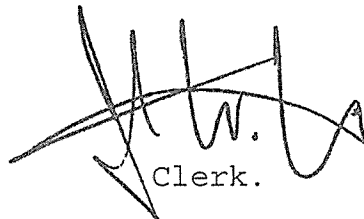
-----X

Defendants-appellants Baruch Ivcher and Waxfield Limited having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 5, 2009 (Appeal No. 502N),

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

It is ordered that the motion is denied. (See M-2650/M-2666 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 20, 2009.

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

-----X
Skilled Investors, Inc.,
Plaintiff,

-against-

Bank Julius Baer & Co., Inc., et al.,
Defendants.

Bank Julius Baer & Co., Ltd.,
Plaintiff-Respondent-Appellant,

M-2666
Index 603818/03

Bernard Spilko,
Plaintiff,

-against-

Menachem Ivcher, et al.,
Defendants,

Eclectic Holdings, Inc.,
Defendant-Respondent,

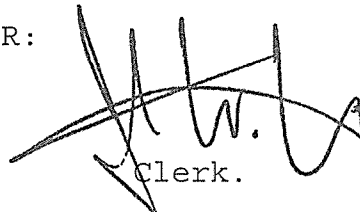
Sydney Plastics, Inc.,
Defendant-Appellant.

-----X
Defendants Sydney Plastics, Inc. and Eclectic Holdings, Inc. having moved for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 5, 2009 (Appeal Nos. 499-501),

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

It is ordered that the motion is denied. (See M-2650/M-2651 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 20, 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-3855
Ind. No. 7538/89

Johnathan Padworski, also known as
Jonathan Papworski, also known as
Gerald David,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from a judgment of resentence of the Supreme Court, New York County, rendered on or about August 3, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

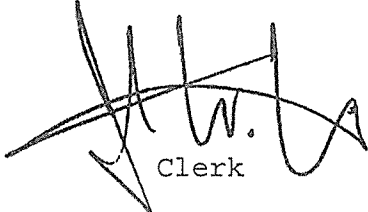
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard 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 20, 2009.

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

-----X
In the Matter of

Maximilian Y.,

A Person Alleged to Be a Juvenile
Delinquent,

M-3982
Docket No. D702/09

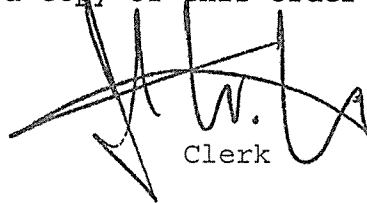
Respondent-Appellant.
-----X

Naomi G., a person legally responsible for respondent-appellant's care pursuant to Section 341.2 of the Family Court Act having renewed the motion for leave for appellant to prosecute the appeal from an order of the Family Court, New York County, entered on or about April 17, 2009, as a poor person, for assignment of counsel, a free copy of the transcript, 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 (1) assigning, pursuant to Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Andrew Baer, Esq., 299 Broadway, Suite 1415, New York, New York 10007, Telephone No. (917) 603-4576; as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk

¹Service of appellant's brief upon respondent shall include assigned counsel's copy of the transcript.

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 20, 2009.

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

-----X
Tadco Construction Corp. and
Frank DeMartino,
Plaintiffs-Appellants,

D&D Mason Contractors, Inc.,
and Thomas DeMartino,
Plaintiffs,

-against-

M-3978
Index No. 602749/07

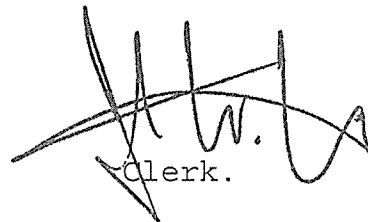
Centennial Insurance Company,
Defendant-Respondent.
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 10, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 20, 2009.

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

-----X
MH Residential 1, LLC, et al.,
Petitioners-Landlords-Respondents,

-against-

M-4110
Index No. 570081/08

John Barrett and Michael Barrett,
Respondents-Tenants-Appellants,

"John Doe" and "Jane Doe",
Respondents-Undertenants.

-----X

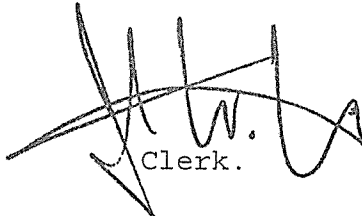
By order of the Appellate Term of the Supreme Court, First Judicial Department, entered in the Office of the Clerk of the Supreme Court, New York County, on August 6, 2009, respondents-tenants having been granted leave to appeal to this Court from the decision and order of said Appellate Term entered in the Office of the Clerk of the Supreme Court, New York County, on December 2, 2008, as modified by the aforesaid order of Appellate Term entered on August 6, 2009,

And petitioners-landlords having moved for vacatur of a stipulation, dated June 8, 2007, "so ordered" by Civil Court, based upon respondents-tenants default in the payment of use and occupancy pending the proceedings herein, and for an order compelling respondents-tenants to perfect the aforesaid appeal for a term certain,

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 respondents-tenants-appellants to perfect the aforesaid appeal on or before December 7, 2009 for the February 2010 Term. The motion is otherwise denied without prejudice to further proceedings in Civil Court, Housing Part.

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 20, 2009.

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

-----X
Corey Maynard and Margaret Grant,
Plaintiffs-Respondents,

-against-

M-4144

M-4347

Index No. 101451/07

8 Morningside Avenue/352 West 115th
Street Housing Development Fund Corp.,
Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 18, 2009,

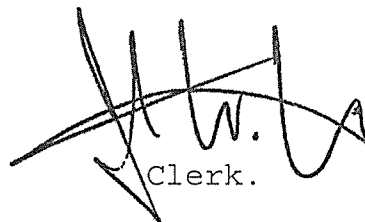
And plaintiffs-respondents having moved for an order dismissing the aforesaid appeal on the ground that defendant's notice of appeal was untimely filed (M-4144),

And defendant-appellant having cross-moved for an order staying trial, pending hearing and determination of the aforesaid appeal (M-4347),

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 to dismiss the appeal (M-4144) is denied and defendant's notice of appeal is deemed timely (CPLR 5520[a]). The cross motion to stay trial (M-4347) 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 20, 2009.

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

-----X
Marva Boothe,
Plaintiff-Respondent-Appellant,

-against-

M-4373
M-4531
Index No. 23462/01

Manhattan and Bronx Surface Transit
Operating Authority, et al.,
Defendants-Appellants-Respondents,

-and-

Luis J. Velasquez and Jose G. Castro,
Defendants-Respondents..

-----X

An appeal and cross appeal having been taken from the judgment of the Supreme Court, Bronx County, entered on or about September 19, 2008,

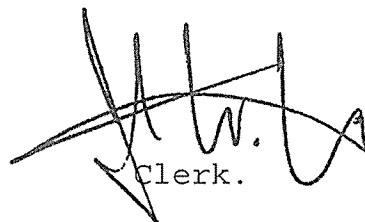
And defendants-appellants-respondents having moved for an order striking Point III of plaintiff's reply brief, and other relief (M-4373),

And defendants-respondents Velasquez and Castro having moved for an order vacating the order of this Court entered September 24, 2009 (M-3925), and other relief (M-4531),

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

Ordered that the motion to strike (M-4373) is denied as academic Point III having been withdrawn. Plaintiff is directed to physically remove pages 9 and 10 from the aforesaid reply brief and to correct the table of contents thereof to reflect the deletion. The motion to vacate and for other relief (M-4531) 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 20, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----x
Superb General Contracting Co.,
Plaintiff-Appellant,

-against-

The City of New York,
Defendant-Respondent,

M-4410
Index No. 118230/99

-and-

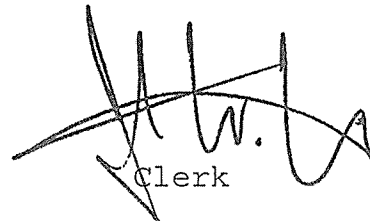
SMB General Contracting Corp., et al.,
Defendants.

-----x
Defendant-respondent having moved for adjournment of the appeal from the order of the Supreme Court, New York County, entered on or about February 4, 2009,

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

It is ordered that the motion is granted to the extent of adjourning the appeal to the January 2010 Term, with no further adjournments to be granted.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Florence Shapiro and Adam Shapiro,
Plaintiffs-Respondents,

-against-

M-4097
Index No. 105318/07

350 East 78th Street Tenants Corp.,
Defendant-Appellant,

Ross J. Patten, et al.,
Defendants.

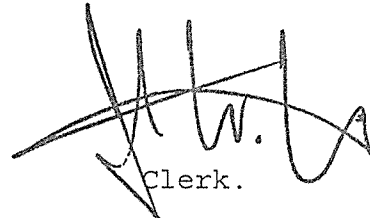
-----X

Defendant-appellant cooperative corporation having moved this Court for an order staying so much of the order and judgment (one paper) of the Supreme Court, New York County, entered on or about August 24, 2009, which granted plaintiff a mandatory injunction and for a stay of further proceedings, including discovery, pending hearing and determination of the appeal taken from the aforesaid order and judgment (one paper) of the Supreme Court,

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

Ordered that the motion is granted to the extent of staying so much of the aforesaid order and judgment (one paper) which directs defendant cooperative corporation to effect repairs or improvements with respect to plaintiff's roof space and to stay so much of the prior order of the Supreme Court which directed defendant-appellant to allow plaintiffs to place chairs upon the roof. The motion, to the extent it seeks to stay proceedings in Supreme Court, 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 20, 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-3963
Ind. No. 2443/05

Edgar Montano,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (Renee White, J.) entered on or about July 28, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

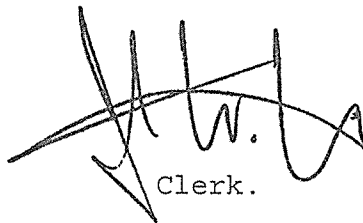
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice White as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Steven Banks, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 20, 2009.

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

-----x
Palisades Collection, L.L.C.,

Plaintiff-Respondent,

-against-

M-3959
Index No. 100931/07

Lev Zamed,

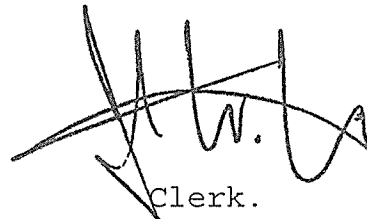
Defendant-Appellant.
-----x

Defendant-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 June 25, 2009 (mot. seq. no. 003), and for leave to have the appeal heard on 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 denied, without prejudice to renew upon submission of documentation establishing defendant's income, including Federal income tax returns for the years 2007 and 2008, including a sworn affidavit addressing the information provided by plaintiff with respect to defendant's bank accounts.

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 20, 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-

Andrique Baron,

Defendant-Appellant.

M-4008
Ind. Nos. 3221/07
4743/08

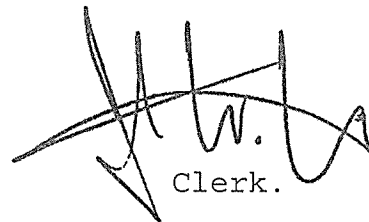
-----X

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 31, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, David Storobin, Esq., and to post the \$150,000 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 20, 2009.

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

-----X
In the Matter of

John Thomas G., also known as
John G., Jr.,

M-4173

Docket No. B24201/03

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

- - - - -
St. Dominic's Home, et al.,
Petitioners-Respondents,

John G.,
Respondent-Appellant.

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

-----X

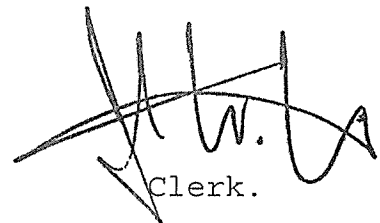
An appeal having been taken from the order of the Family Court, Bronx County, entered on or about April 30, 2008 (resettled order entered June 6, 2008),

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

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

It is ordered that the motion is denied as academic, the order of this Court entered on September 22, 2009 (M-3375), having inter alia, directed assigned counsel to perfect the aforesaid appeal for the January 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of Carlos Rueda, M.D.,
Chairman, Department of Psychiatry of
Montefiore North Medical Center,
Petitioner-Respondent,

-against-

M-4077
Index No. 84/05

Charmaine D.,
Respondent-Appellant,

For an Order Authorizing Retention
and Involuntary Treatment.

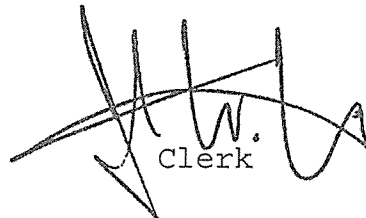
-----X
An appeal having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about June 11, 2009,

And counsel for respondent-appellant, Marvin Bernstein, Esq., of Mental Hygiene Legal Service (Namita Gupta, of counsel), having moved to amend the caption as indicated,

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 caption is so amended.

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 20, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Rosalyn H. Richter
Sheila Abdus-Salaam, Justices.

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

-against-

M-4092
Ind. No. 3130/07

Edwin H. Pollard,
Defendant-Appellant.

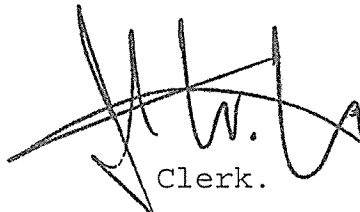
-----X

An order of this Court having been entered on March 24, 2009 (M-967), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, Bronx County, rendered on or about February 5, 2009, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

It is ordered that the motion is granted to the extent of striking the designation of assigned counsel Steven Banks, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York, 10007, Telephone No. 212-402-4100, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
Nancy Waldbaum Nimkoff,
Plaintiff-Appellant-Respondent,

-against-

M-4175
Index No. 350768/02

Ronald A. Nimkoff,
Defendant-Respondent-Appellant.

-----X

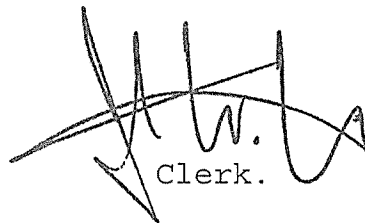
An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 13, 2008,

And defendant having moved for an order striking the appendix filed by plaintiff-appellant and certain portions of plaintiff's main brief, and compelling her to file a new appendix, 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 the motion is denied, without prejudice to defendant's filing a cross appellant's appendix at the time of filing his brief on the cross appeal on or before November 4, 2009 for the December 2009 Term. The motion is otherwise denied as academic.

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 20, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. McGuire
Karla Moskowitz, Justices.

-----X
Cynthia Kitchen,
Plaintiff-Appellant,

-against- M-4372
Index No. 16717/04

Mamadou Diakhate,
Defendant-Respondent,

Eliecer Diaz and Sandy Lopez,
Defendants.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 9, 2009,

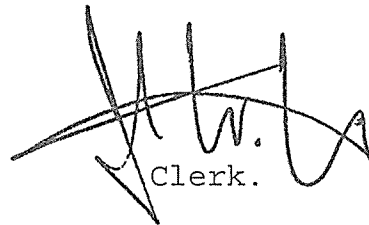
And said appeal having been perfected for the December 2009 Term of this Court,

And defendants having moved for dismissal of the aforesaid perfected appeal, 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 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 20, 2009.

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

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

-against-

M-4135
Ind. No. 602/07

Julio Cruz,
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 8, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

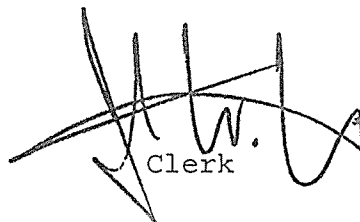
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 20, 2009.

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

-----X

The People of the State of New York,
Respondent,

-against-

M-4136
Ind. No. 2238/08

Kirk Hanley,

Defendant-Appellant.

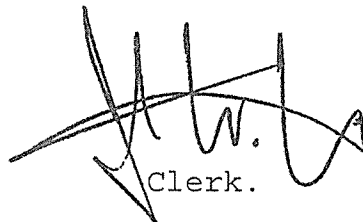
-----X

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 on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Steven Somerstein, 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 20, 2009.

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

-----X
Kevin Waltzer,

Plaintiff-Respondent,

-against-

M-4241
Index No. 603415/01

Tradescape & Co., L.L.C., formerly known as C.S. Block & Co., L.L.C., Tradescape New York, L.L.C., formerly known as C.S. Block New York, L.L.C., Tradescape Corp. and T Corp., all now known as MarketXT Holdings Corp., and Alan Nisselson, formerly Chapter 11 Trustee and now Responsible Officer of MarketXT Holdings Corp.,

Defendants-Appellants,

Omar Amanat, et al.,

Defendants.

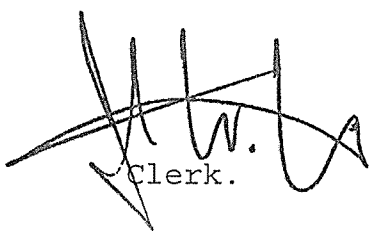
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about February 5, 2008 and from the judgment of said Court, entered on or about February 13, 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 June 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 20, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of the Application of
Yvonne Marion,
Petitioner,

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

M-4103
Index No. 402416/08

-against-

New York City Housing Authority,
Respondent.

-----X

An Article 78 proceeding to review a determination of respondent having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about April 28, 2009 (mot. seq. no. 001),

And an order of this Court having been entered on August 11, 2009 (M-3055), denying petitioner a stay of eviction, pending hearing and determination of the aforesaid proceeding, and poor person relief,

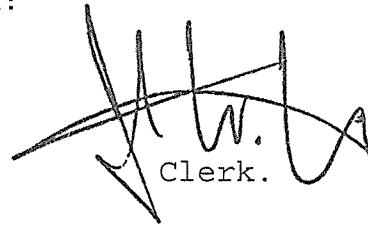
And petitioner having renewed her motion for the aforesaid relief,

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, to the extent it seeks a stay of eviction, is granted on condition that the proceeding 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 petitioner within 10 days after the date of entry hereof. So much of the motion which seeks poor person relief is granted to the extent of permitting the proceeding to be heard upon the original record and upon a reproduced petitioner's brief, on condition that petitioner serves one copy of such brief upon the attorney for the respondent and files 10 copies of such brief, together with the original record, with this Court. Petitioner 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 20, 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-4050
Ind. No. 2765/07

Jennifer Wilkov,
Defendant-Appellant.

-----X

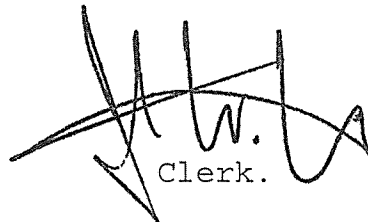
Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 4, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2010 Term.

The motion, to the extent it seeks poor person relief, 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 pay the fee of trial counsel, Jacob R. Evseroff, Esq., and to post the \$50,000 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 20, 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-4034
Ind. No. 184/09

Stephen Phinazee,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 9, 2009, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

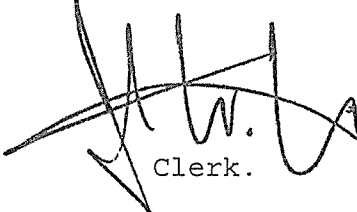
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 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 20, 2009.

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

-----X
Financial Guaranty Insurance Company
and FGIC UK Limited,

Plaintiffs-Appellants,

SEALED

-against-

M-3798

M-4028

IKB Deutsche Industriebank AG, et al.,

Index No. 600704/08

Defendants-Respondents.
-----X

Appeals having been taken from orders of the Supreme Court, New York County, entered on or about January 5, 2009 (mot. seq. no. 007) and on or about May 27, 2009 (mot. seq. no. 011) respectively,

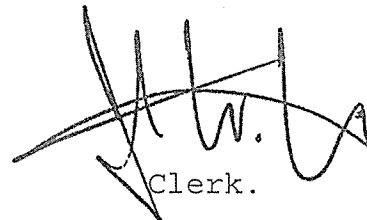
And defendants-respondents having moved for an order dismissing the aforesaid appeals (M-3798),

And plaintiffs-appellants having cross-moved for an order enlarging the time in which to perfect the aforesaid appeals (M-4028),

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 to dismiss the appeals is granted unless said appeals are perfected for the April 2010 Term. The cross motion is granted to the extent indicated. The Clerk is directed to file all papers with respect to this matter "under seal".

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 20, 2009.

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

-----X
Jacqueline Aguilar Taylor and
Harvey Garner, as the Administrator
of the Estate of Henrietta Garner,
Petitioners-Appellants,

-against-

M-4105
Index No. 117944/06

New York State Division of Housing
and Community Renewal and Amalgamated
Warbasse Houses, Inc.,
Respondents-Respondents.
-----X

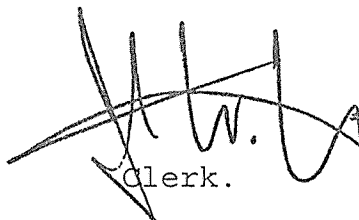
An appeal and amended appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 25, 2008 (mot. seq. nos. 001 and 003) and an appeal having been taken from the order of said Court entered on or about January 21, 2009 (mot. seq. no. 004),

And petitioners-appellants having moved for an enlargement of time in which to perfect said appeals,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals which are, sua sponte, consolidated 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 20, 2009.

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

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

-against-

M-4040
Ind. No. 2866/07

Jose Reyes,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (James Yates, J.) entered on or about September 26, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, for an enlargement of the record on appeal, and for related relief,

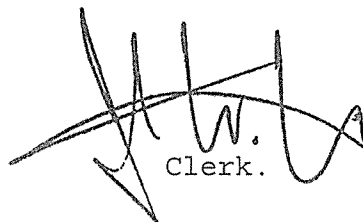
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

The Clerk of the Supreme Court shall expeditiously have made and file with the criminal court (CPL 460.70) two transcripts of the stenographic minutes of the SORA hearing and any other proceedings before Justice Yates as yet not transcribed. The Clerk shall furnish a copy of such transcripts to appellant's counsel, Richard M. Greenberg, Esq., without charge, the transcripts to be returned to this Court when appellant's brief is filed.

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 20, 2009.

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

-----x
Footlocker Inc. and St. Paul Fire and
Marine Insurance Company, as subrogee
of Duane Reade Inc.,
Plaintiffs-Appellants,

-against-

M-4124
Index No. 105811/04

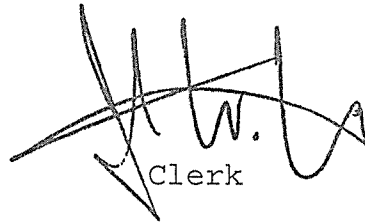
KK&J, LLC. and Springfield Food
Court, Inc.,
Defendants-Respondents.
-----x

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 17, 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 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 20, 2009.

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

-----x
Douglas A.P. Hamilton,

Plaintiff-Respondent,

-against-

M-4168
Index No. 350471/07

Dorothy Cann,

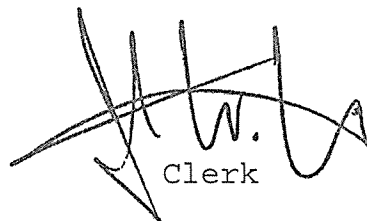
Defendant-Appellant.
-----x

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about June 11, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the 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 20, 2009.

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

-----x
In the Matter of the Application of

John Maldonado,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

M-3407
Ind. No. 5050/08

-against-

The Honorable Lewis B. Stone, a Justice
of the Supreme Court, New York County,
et al.,

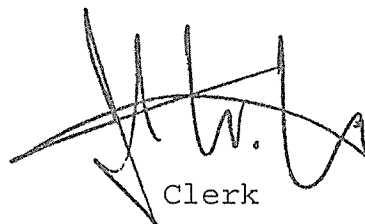
Respondents.
-----x

Petitioner having petitioned this Court pursuant to Article 78 of the CPLR, in the nature of mandamus and prohibition, to vacate or overturn the order of Supreme Court, New York County, rendered on or about June 11, 2009, which denied petitioner's application that he be granted transactional immunity from all further prosecutions related to certain grand jury testimony, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated August 24, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on October 20, 2009.

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

-----X
Robert Naldi,
Plaintiff-Respondent,

-against-

M-4109
Index No. 600707/08

Grunberg 55 LLC,
Defendant-Appellant,

Michael Grunberg,
Defendant.

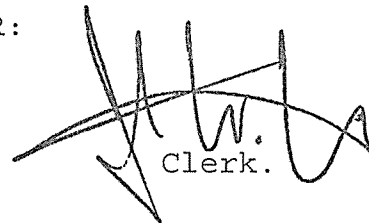
-----X

Defendant-appellant having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 15, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted.

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 20, 2009.

Present - Hon. David Friedman, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Carmen Garcia,

Plaintiff-Appellant,

-against-

M-4486
Index No. 28912/01

Barry Dolich, M.D.,

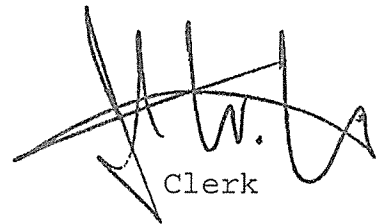
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, Bronx County, entered on or about February 26, 2008,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 30, 2009, 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 20, 2009.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
John T. Buckley
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Georgina Gonzalez,
Plaintiff-Respondent,

-against-

M-4328
Index No. 14761/04


Parkchester South Condominium, et al.,
Defendants-Appellants.
-----X

Defendants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 11, 2009,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

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

BEFORE: Hon. Helen E. Freedman
Justice of the Appellate Division

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

M-4148
Indictment. No. 5788/05

-against-


CERTIFICATE
DENYING LEAVE

BRETT SMITH,

Defendant.

-----X

I, Helen E. Freedman, 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 the Criminal Procedure Law §§ 450.15 & 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 29, 2009 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: October 8, 2009
New York, New York

ENTERED: OCT 20 2009

PM ORDERS

ENTERED

OCTOBER 15, 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 15, 2009.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
John T. Buckley
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Amy Legow Cohn,
Plaintiff-Respondent-Appellant,

-against-

M-4522
Index No. 5618/05


Charles D. F. Cohn,
Defendant-Appellant-Respondent.
-----X

Plaintiff-respondent-appellant having moved for an order staying the judgment of the Supreme Court, Bronx County, entered on or about June 4, 2009, pending hearing and determination of the appeal and cross appeal taken therefrom,

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.