

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 September 1, 2009.

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

-----X
Alpha Manhattan, LLC,
Plaintiff-Appellant,

-against-

M-3581X
Index No. 604076/07

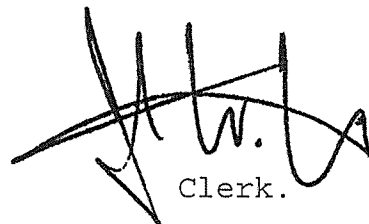
UBS Real Estate Securities, Inc.,
Defendant-Respondent.
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" July 27, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 1, 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,
Appellant,

-against-

M-3580
Ind. No. 4892/06

Eduardo Delgado,
Defendant-Respondent.

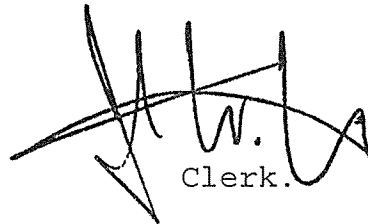
-----X

The People having taken an appeal taken from an order of the Supreme Court, New York County, entered on or about March 15, 2007,

Now, upon reading and filing the stipulation dated July 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 September 1, 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,
Appellant,

-against- M-3584
Ind. No. 1977/85

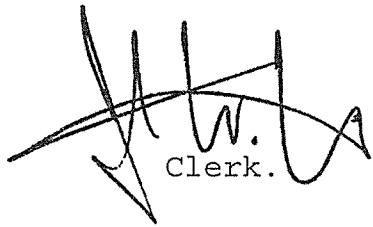
Darren Davis,
Defendant-Respondent.
-----X

The People having been taken an appeal from the order of the Supreme Court, New York County, entered on or about April 11, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated July 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 September 1, 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-3695
Ind. No. 1263/08

Kenneth Brye,
Defendant-Appellant.

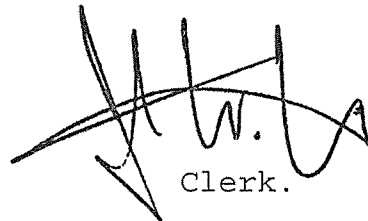
-----X

Defendant having taken an appeal from a judgment of the Supreme Court, New York County, rendered on or about August 19, 2008,

Now, upon reading and filing the stipulation dated August 3, 2009, and due deliberation having been had thereon,

It is ordered that 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 September 1, 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-3341
Ind. No. 3561/06

Elvin Torres, also known as Elvis
Torres,
Defendant-Appellant.

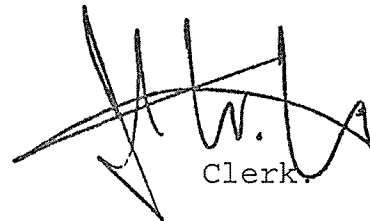
-----X

Defendant-appellant having moved for an order withdrawing his appeal taken from a judgment of the Supreme Court, New York County, rendered on or about October 15, 2007,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from Deputy Clerk David Spokony to defendant, dated July 17, 2009, defendant's response thereto received on July 27, 2009 and due deliberation having been had thereon,

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

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 September 1, 2009.

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

-----X
Citicorp Vendor Finance, Inc.,
formerly known as Copelco Capital,
Inc.,
Plaintiff-Respondent,

-against-

M-3622
Index No. 601564/06

Manhattan Total Health and Medical
Diagnostics, P.C.,
Defendant-Appellant.

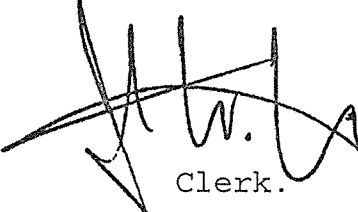
-----X
(And a third-party action)
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about October 22, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated July 30, 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 September 1, 2009.

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

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

-against-

M-3606
Ind. No. 4259/06

Andre Hamilton,
Defendant-Appellant.

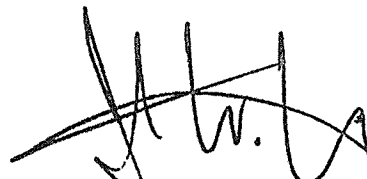
-----X

An order of this Court having been entered on December 4, 2008 (M-5264) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about September 11, 2008, 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, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, 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 September 1, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Eugene Nardelli
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
JT Magen,
Plaintiff-Respondent,

-against-

M-2794
Index No. 113095/06

Hartford Fire Insurance Company, et al.,
Defendants-Appellants,

Richard Seifert, et al.,
Defendants.

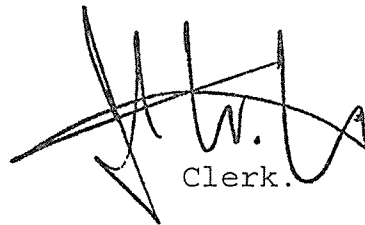
-----X

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 May 14, 2009 (Appeal No. 4773),

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

It is ordered that the motion is denied.

E N T E R:


Clerk.

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

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
Eugene Nardelli
Sheila Abdus-Salaam, Justices.

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

-against-

M-290
Ind. No. 1983/00

Devrol Palmer,
Defendant-Appellant.

-----X

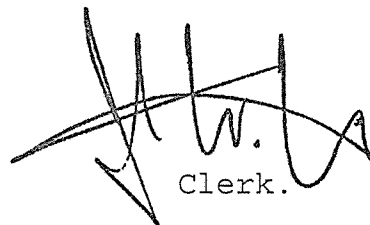
A decision and order of this Court having been entered on May 27, 2004 (Appeal No. 3765), unanimously affirming a judgment of the Supreme Court, Bronx County (Caesar Cirigliano, J.), rendered on August 8, 2001,

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 September 1, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
John T. Buckley
Leland G. DeGrasse, Justices.

-----X
Andrew J. Spinnell,
Petitioner-Respondent,

-against-

M-1877
Index No. 101921/07

JP Morgan Chase Bank, N.A.,
Respondent,

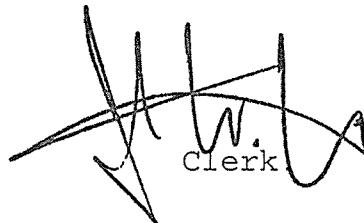
Philip Seldon,
Respondent-Appellant.
-----X

Respondent-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 26, 2009 [Corrected Order March 9, 2009] (Appeal No. 5373),

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

It is ordered that the motion is denied.

E N T E R:


Clerk

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

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

-----X
In the Matter of

Destiny R. and Nicholas R.,

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

M-3520
Docket Nos. N16443/09
N16444/09

New York Administration for
Children's Services,
Petitioner-Appellant,

Christina C.,
Respondent-Respondent.

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

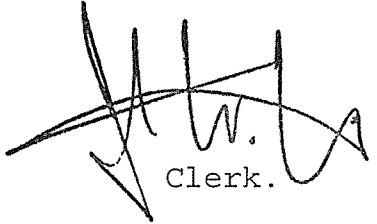
-----X

An appeal having been taken from the order of the Family Court, New York County, entered on or about June 23, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated July 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 September 1, 2009.

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

-----X
Jose M. Herrera,

Plaintiff-Respondent,

-against-

M-3228
Index No. 7581/06

Cragswold, Inc., initially sued
herein as Cragsworld, Inc.,

Defendant-Appellant.
-----X

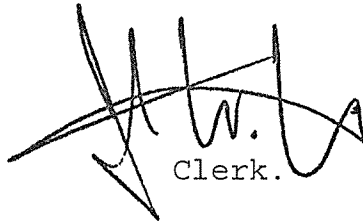
An appeal having been taken from an order of the Supreme Court, Bronx County, entered on or about June 4, 2008,

And defendant-appellant having moved to withdraw 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 appeal is deemed withdrawn.

ENTER:


Clerk.

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

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

-----X
Palestine Monetary Authority,
Plaintiff-Counterclaim Defendant-
Appellant,

-against-

M-3593
Index No. 107777/05

David Strachman, as Administrator
of the Estate of Yaron Ungar, et al.,
Defendants-Counterclaim Plaintiffs-
Respondents.

-----X
David Strachman, as Administrator
of the Estate of Yaron Ungar, et al.,
Plaintiffs-Judgment Creditors,

-against-

Index No. 105521/05

The Palestinian Authority, et al.,
Defendants-Judgment Debtors.

-----X

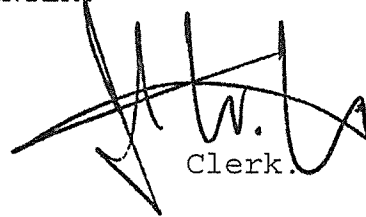
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 31, 2009 and from the judgment of said Court, entered on or about April 1, 2009, respectively,

And defendants-counterclaim plaintiffs-respondents having moved, inter alia, for an order dismissing the aforesaid appeal unless plaintiff perfects said appeal for the November 2009 Term,

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 dismissing the appeal unless the appeal is perfected on or before October 5, 2009 for the December 2009 Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided respondents serve a copy of this order upon the appellant within 10 days after the date of entry hereof.

ENTER:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke that extends to the left. The signature is positioned above the word "Clerk." and partially overlaps it.

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 September 1, 2009.

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

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

-against-

M-3268
Ind. No. 8681/87

Nathan McBride,
Defendant.

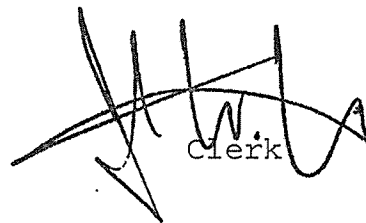
-----X

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 15, 1988, for leave to prosecute the appeal as a poor person, upon the original record and a reproduced appellant's brief, and for assignment of counsel,

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

Ordered that the motion is, in all respects, denied.
(CPL 460.30 subd.1.)

E N T E R:


Clerk

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

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

-----X
Joy Booth,
Plaintiff-Appellant,

-against-

M-3238
Index No. 108653/06

The Neiman-Marcus Group, Inc.,
et al.,
Defendants,

754 Fifth Avenue Associates, L.P.
and Newton Acquisition Inc.,
Defendants-Respondents.

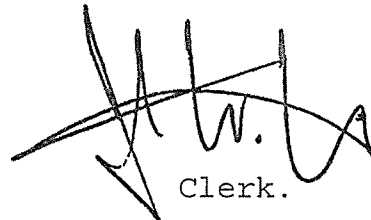
-----X
[And a Third-Party Action]
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about February 13, 2008,

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to on or before October 5, 2009 for the December 2009 Term, with no further enlargements to be granted.

E N T E R:


Clerk.

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

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

-----X
Hsing Hsung Chuang and Tao Yin
Chuang, etc., et al.,
Plaintiffs-Appellants,

-against-

M-3246
Index No. 100318/07

Whitehouse Condominium, The Board
of Managers of Whitehouse
Condominium and Neil Sperling,
Gina Barac, Wendy Wasahl,
Alexandra Browne, David Paul
Phillips and Vishan Chakrabaarti,
etc.,
Defendants-Respondents.

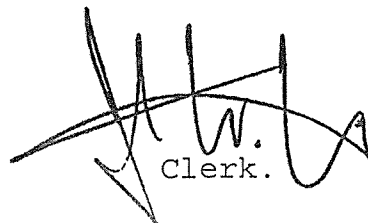
-----X

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 April 21, 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 December 2009 Term, with no further enlargements to be granted.

ENTER:


Clerk.

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

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

-----x
Wolfson Septimus,
Plaintiff-Respondent,

-against-

M-3601
Index No. 106298/08

Dr. Jorge Matos, et al.,
Defendants,

Dr. Mark Bronsky,
Defendant-Appellant:

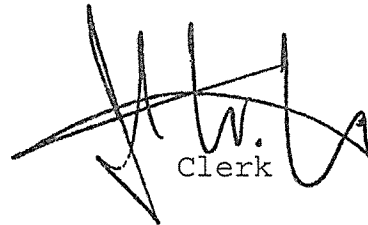
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Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about October 17, 2008 (mot. seq. no. 002),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the December 2009 Term, with no further enlargements to be granted.

ENTER:


Clerk

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

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

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

Jacquelyn E. Jackson,
Petitioner-Appellant,

-against-

M-3270
Index No. 407225/07

N.Y.S. Division of Human Rights
and Retail Brand Alliance, Inc.,
Respondents-Respondents.

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 8, 2008 (mot. seq. no. 001),

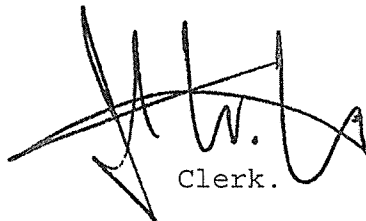
And an order of this Court having been entered on March 31, 2009 (M-806), granting petitioner poor person relief and enlarging the time in which to perfect the aforesaid appeal to the September 2009 Term,

And petitioner having moved for a further enlargement of time in which to perfect the appeal and for leave to prosecute said appeal as a poor person,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before October 5, 2009 for the December 2009 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that respondents serve a copy of this order upon appellant within 10 days after the date of entry hereof. So much of the motion which seeks poor person relief is denied as moot, said relief having been granted by the prior order of this Court entered on March 31, 2009 (M-806).

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 September 1, 2009.

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

-----X
N.K. International, Inc., et al.,

Plaintiffs-Respondents,

-against-

M-3440
Index No. 600833/04

Dae Hyung Kim, also known as
David Kim,

Defendant-Appellant,

D&K NY Fashion Resources, Inc.,
et al.,

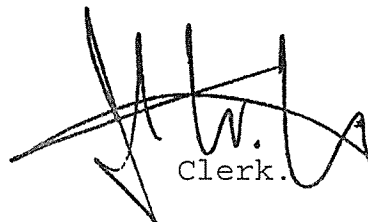
Defendants.
-----X

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 September 10, 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 December 2009 Term, with no further enlargements to be granted. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte provided that respondents serve a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

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

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

-----X
Gettinger Associates, also known as
Gettinger Associates, L.P.,
Plaintiff-Respondent,

-against-

M-3237
Index No. 115645/06

One Move Upward, Inc., et al.,
Defendants-Appellants.

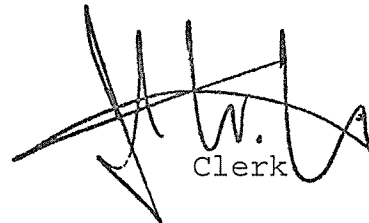
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about April 4, 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 appellants' time in which to perfect the appeal to on or before October 5, 2009 for the December 2009 Term.

E N T E R:


Clerk

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

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

-----X
Herbert Moreira-Brown,
Plaintiff-Appellant,

-against-

M-3363
Index No. 26490/99

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

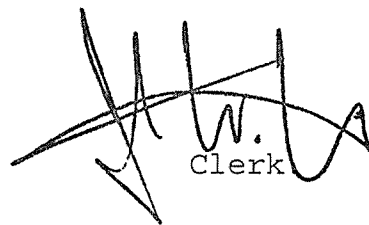
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 21, 2008,

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

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to on or before October 5, 2009 for the December 2009 Term.

E N T E R:


Clerk

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

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

-----X
In the Matter of the Commitment of the Guardianship and Custody of

Elizabeth S.,
Katherine S.,
Gwendolyn S.,

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

The New York City Administration
for Children's Services,
Petitioner-Appellant,

M-3286
Docket Nos. NA11509/07
NA11510/07
NA11511/07

Donna M.,
Respondent-Respondent,

Alexis M.,
Respondent-Respondent.

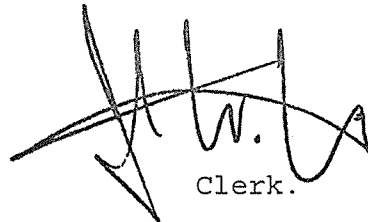
Steven Banks, Esq.,
Law Guardian for the Children.

-----X
Petitioner-appellant agency having moved for an enlargement of time in which to perfect the appeal taken from the order of the Family Court, New York County, entered on or about September 26, 2008,

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

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

E N T E R :


Clerk.

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

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

-----X
Tammi Guenthner, individually as
Administratrix of the Estate of
Chellis Marie Shirkey, and as the
representative claimant in the
claim against the American Home
Products Corporation, for their
share of the Nationwide Class
Action Settlement proceeds related
to the injury and death of Chellis
Marie Shirkey,
Plaintiff-Appellant,

M-3299
Index No. 122220/03

-against-

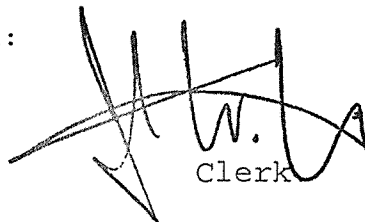
New York City Health and Hospitals
Corporation,
Defendants-Respondents.

-----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 February 25, 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 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 September 1, 2009.

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

-----X
Amanda Shapira,
Plaintiff-Appellant,

-against-

M-3437
Index No. 111837/03

The City of New York, Gaetano
Competrillo, Souleymane Diallo
and Fixture Cab Corp.,
Defendants-Respondents.

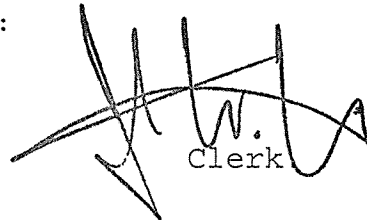
-----X

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 October 16, 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 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 September 1, 2009.

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

-----x
Sapphire Simmons, an infant by Her
Mother and Natural Guardian, Rosemary
Simmons, and Rosemary Simmons,
Individually,
Plaintiffs-Respondents,

-against-

M-3552
Index No. 25147/98

Vita Sacchetti, T.M.S. Management
Company, Ambassador Fuel and Oil
Burner Corp. and Rudon Heating, Inc.,
Defendants,

F & B Fuel Oil Co., Inc.,
Defendant-Appellant.

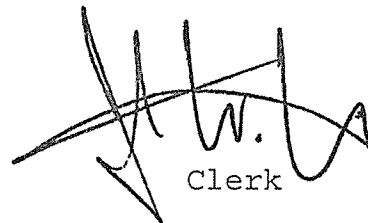
-----x

Defendant-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about October 14, 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 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 September 1, 2009.

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

-----X
Keith White,
Plaintiff-Appellant,

-against-

Gabriela White,
Defendant-Respondent.

M-3558
Index Nos. 307008/05
350391/05

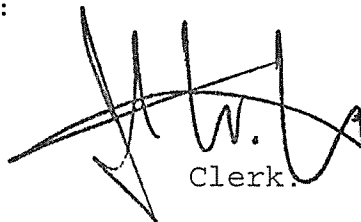
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 27, 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 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 September 1, 2009.

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

-----X
The People of the State of New York
ex rel. Andre Steadman,
Petitioner-Appellant,

-against-

M-3284
Index No. 341080/08

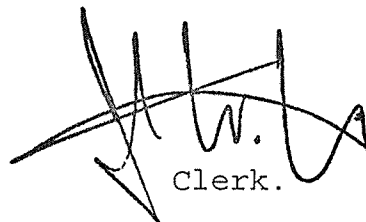
Warden, Anna M. Kross Center, and
New York State Division of Parole,
Respondents.
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County, entered on or about June 15, 2009, which dismissed a habeas corpus proceeding, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for assignment of counsel, 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, with leave to renew upon petitioner's submission of a notarized affidavit in compliance with CPLR 1101(a), including a statement of facts so as to ascertain the merits of contentions.

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 September 1, 2009.

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

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

-against-

M-3321
Ind. No. 910/05

Lawrence Jackson,

Defendant.

-----X

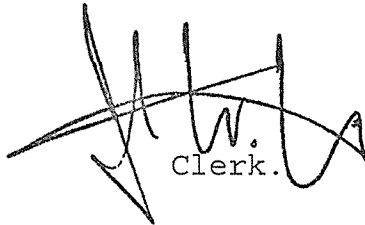
In a related motion returnable before this Court on September 8, 2009 (M-3612), defendant having moved for leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about June 17, 2009, which denied defendant's application for CPL §440.10 relief,

And defendant having moved herein (M-3321) for poor person relief and the assignment of counsel with respect to the aforesaid motion and relief requested therein (M-3612),

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 for poor person relief is denied, with leave to renew should defendant's motion for leave to appeal to this Court (M-3612) 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 September 1, 2009.

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

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

Respondent,

-against-

M-3361
Ind. No. 3696/08

Solomon Wright,

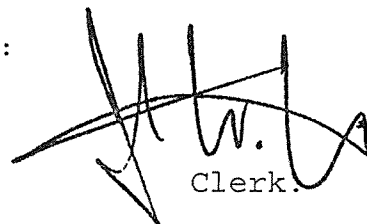
Defendant-Appellant.
-----X

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 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 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, Damien M. Brown, 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 September 1, 2009.

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

-----X
Clifford A. Arrey,

Plaintiff-Appellant,

-against-

M-3415
Index No. 115965/06

Beaux Arts II, LLC, et al.,

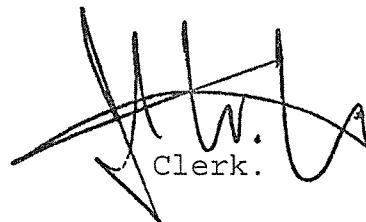
Defendants-Respondents.
-----X

Plaintiff-appellant having renewed his motion for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about August 22, 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, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), which shall include copies of petitioner's Federal Tax Returns for the years 2007 and 2008.

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 September 1, 2009.

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

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

Miriam Velez,
Plaintiff-Appellant,

M-3384
Index No. 406685/07

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

New York City Housing Authority,
Lincoln Houses,
Defendant-Respondent.

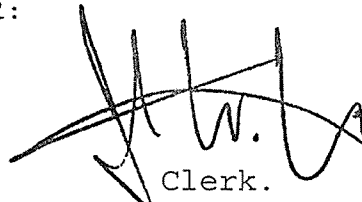
-----X

Plaintiff-appellant having renewed her motion 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 19, 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 September 1, 2009.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,
David Friedman
John T. Buckley
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Anthony Gronowicz, et al.,
Plaintiffs-Appellants,

-against-

M-1126 & M-1206
Index No. 115995/06

Nissan Perla,
Defendant-Respondent.
-----X

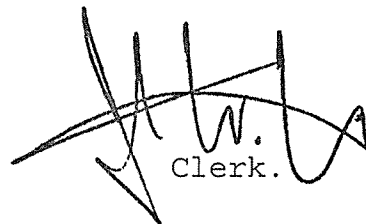
Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 20, 2009 [Appeal No. 5070] (M-1126),

And Magda L. Cruz, Esq., counsel for defendant-respondent, having cross-moved to be relieved as counsel on the appeal, and for related relief (M-1206),

Now, upon reading and filing the papers with respect to the motion and cross motion, and the stipulation of the parties, filed March 19, 2009, and due deliberation having been had thereon,

It is ordered that the motion is denied. The cross motion 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 September 1, 2009.

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

-----X
Walter R. Yetnikoff,
Plaintiff-Appellant,

-against-

M-2967
Index No. 600436/07

Teresita Mascardo, et al.,
Defendants-Respondents,

Gross and Gross LLP, et al.,
Defendants.

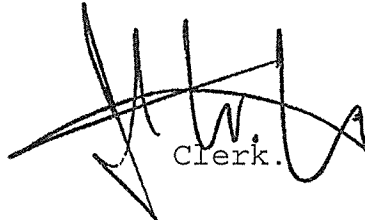
-----X

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 June 9, 2009 (Appeal Nos. 735, 735A, 735B, 735C and 735D),

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

It is ordered that the motion is denied.

E N T E R:


Clerk.

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

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

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

-against-

M-3312
Ind. No. 277/08

David Price,
Defendant-Appellant.

-----X

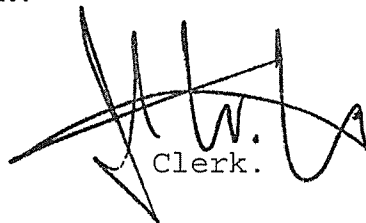
An order of this Court having been entered on January 13, 2009 (M-5764), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about November 17, 2008, and assigning Robert S. Dean, Esq., as counsel therefor,

And defendant having moved for an extension of time in which to file a notice of appeal from the amended judgment of the Supreme Court, New York County, rendered on or about February 25, 2009, and to amend the prior order of this Court (M-5764) to include said amended judgment,

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 to amend the prior order of this Court (M-5764) to include the amended judgment rendered on or about February 25, 2009, and the poor person relief previously granted is continued. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing the record or 120 days from the date of this order, whichever is later.

E N T E R:


Clerk.

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

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

-----X
Henry Reyes, an Infant by his Mother
and Natural Guardian, Lesley Echevarria
Ortiz and Lesley Echevarria Ortiz,
Individually,

Plaintiffs-Appellants,

M-3594
Index No. 6407/04

-against-

2328 Uniave Corp., et al.,

Defendants,

St. Barnabas Hospital,

Defendant-Respondent.

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

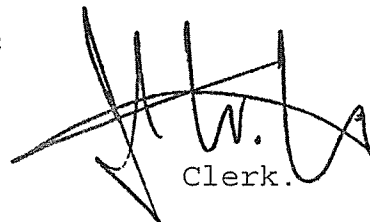
Index No. 84750/05

Plaintiffs-appellants 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 August 11, 2008,

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

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

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

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

SEALED

-against-

M-3227
Ind. No. 7972/00

Carlos Ferreira,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about May 4, 2005;

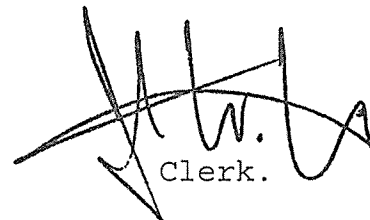
And an order of this Court having been entered on April 9, 2009 (M-5216), granting defendant leave to appeal to this Court from the order of said Court entered on or about April 9, 2008, and consolidating said appeal with the aforesaid appeal from the judgment entered on or about May 4, 2005,

And defendant having moved for an order enlarging the time in which to perfect the consolidated appeals,

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the aforesaid consolidated appeals 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 September 1, 2009.

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

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

Respondent,

-against-

M-3381

Docket No. 46572C/08

Abdul Qawi H.,

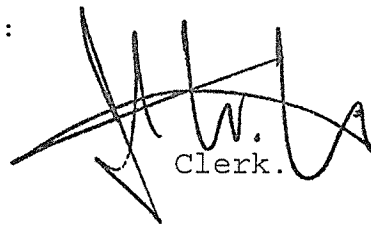
Defendant-Appellant.
-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about May 5, 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 deeming the moving papers a timely filed notice of appeal.

ENTER:


Clerk.

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

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

-----X
Joseph A. LoRiggio,
Plaintiff-Appellant,

-against-

M-3667
Index No. 602632/05

Steven Saba and Taxpro Financial
Network, Inc.,
Defendants-Respondents.

-----X

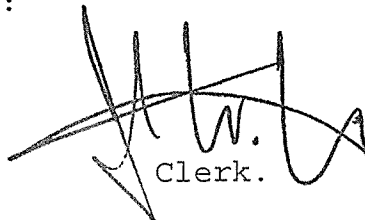
Appeals having been taken to this Court by plaintiff from the orders of the Supreme Court, New York County, entered on or about March 21, 2008 (mot. seq. no. 002) and February 20, 2009, respectively,

And Patton Boggs LLP, (Andrew J. McNally of counsel) having moved for leave to withdraw as counsel for respondents on 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 only to the extent of adjourning the appeals to the December 2009 Term. The motion is otherwise denied, with leave to renew upon documentation establishing that counsel has been granted leave to withdraw as trial counsel and proof of service of the moving papers upon the defendants.

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 September 1, 2009.

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

-----X
Able Energy, Inc., etc., et al.,

Plaintiffs-Respondents-Appellants,

-against-

M-3553 & M-3676
Index No. 603224/07

Marcum & Kliegman LLP, etc., et al.,

Defendants-Appellants-Respondents.

-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 13, 2008 (mot. seq. no. 001),

And defendants-appellants having taken an appeal from the order of the Supreme Court, New York County, entered on or about June 19, 2009,

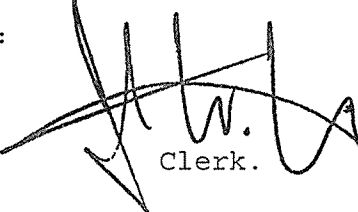
And defendants-appellants having moved for consolidation of the appeals, and for a stay of all proceedings, including discovery, in Supreme Court, pending hearing and determination of said appeals and cross appeal (M-3553),

And plaintiffs-respondents-appellants having cross-moved to strike the appeal taken from the order of the Supreme Court, New York County, entered on or about June 19, 2009 (M-3676),

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 granted only to the extent of staying all proceedings, including discovery, in Supreme Court, pending hearing and determination of the appeal and cross appeal taken from the order entered on or about May 13, 2008, and the motion is otherwise denied. The cross 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 September 1, 2009.

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

-----X
853 Seventh Avenue Owners, LLC,
Plaintiff-Appellant,

-against-

M-3640
Action No. 1
Index No. 109432/02

W & HM Realty Co., LLC,
Defendant-Respondent,

-----X
W & HM Realty Co., LLC,
Petitioner-Respondent,

-against-

Action No. 2
Index No. 603031/08

853 Seventh Avenue Owners, LLC,
Respondent-Appellant.

-----X

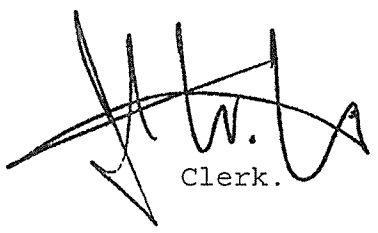
Separate appeals having been taken by 853 Seventh Avenue Owners, LLC from the order of the Supreme Court, New York County entered on or about June 8, 2009 (mot. seq. no. 003) in Action No. 1, and the orders of said Court (mot. seq. nos. 001 and 002), in Action No. 2, both entered on or about June 11, 2009, respectively,

And appellant having moved for consolidation of the aforesaid appeals 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 appellants to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals 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 September 1, 2009.

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

-----X
Nelson Santiago and Christina
Santiago,
Plaintiffs-Respondents,

-against-

M-3280
Index No. 115904/06

Fred-Doug 117, L.L.C., and
Rite Aid of New York,
Defendants-Appellants.

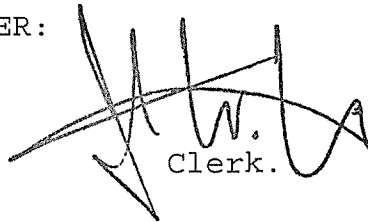
-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about March 17, 2009 (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.

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 September 1, 2009.

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

-----X
In the Matter of the Petition of
Jerome M. Weinraub, etc.,

Bettina R. Weinraub, Deceased,

M-3491
Index No. 2095/06

Under an Agreement dated December 20,
1976, etc.

-----X
Jerome M. Weinraub,
Petitioner-Respondent,

-against-

Sidney Mandell,
Respondent-Appellant.

-----X

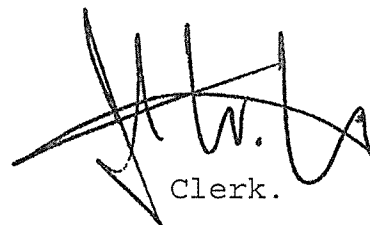
An appeal having been taken from the decree of the Surrogate's Court, New York County, entered on or about February 25, 2008,

And petitioner-respondent having moved for an order enlarging the record on appeal to include the amended decision of the Surrogate's Court, Westchester County, dated February 28, 2008, Exhibit 1 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 denied and, sua sponte, the appeal is adjourned to the November 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 September 1, 2009.

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

-----X
Migdalia Ortiz,
Plaintiff-Appellant,

-against-

M-2990
Index No. 7028/05

Yvonne Newkirk,
Defendant,

Brighton Car Service, Inc. and
Dess Raj,
Defendants-Respondents.

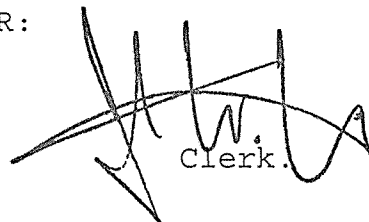
-----X

Defendants-respondents having moved to dismiss the appeal taken from the order of the Supreme Court, Bronx County, entered on or about August 18, 2008,

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

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

E N T E R:


Clerk.

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

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

-----X
Eleuterio Castro,
Plaintiff-Appellant,

-against-

M-3141
Index No. 7870/06

William S. Rodriguez and El Shorty
Auto Corp.,
Defendants-Respondents.

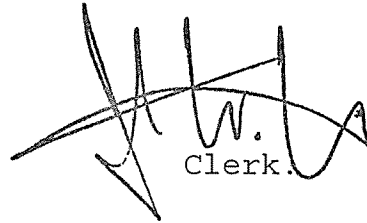
-----X

Defendants-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, Bronx County, entered on or about August 22, 2008,

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

It is ordered that the motion is granted and the appeal is dismissed.

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 September 1, 2009.

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

-----X
Richard Djeddah,
Plaintiff-Respondent,

-against-

Rachel Djeddah,
Defendant-Appellant.

M-3171
M-3379
Index No. 350094/00

-----X

An order of this Court having been entered on April 21, 2009 (M-1267/M-1523), enlarging appellant's time in which to perfect the appeal from the judgment of Supreme Court, New York County, entered on or about March 21, 2008 to the September 2009 Term with no further enlargements to be granted,

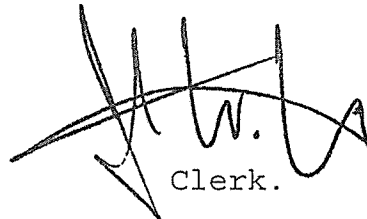
And defendant-appellant having moved for a further enlargement of time in which to perfect the aforesaid appeal (M-3171),

And plaintiff-respondent having cross-moved to dismiss the appeal (M-3379),

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 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 September 1, 2009.

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

-----X
Constance Guice-Mills,
Plaintiff-Appellant,

M-2925

M-3314

-against-

Index No. 124735/02

Reverend Dr. James A. Forbes, Jr.,
and Frank Boone,
Defendants-Respondents.

-----X

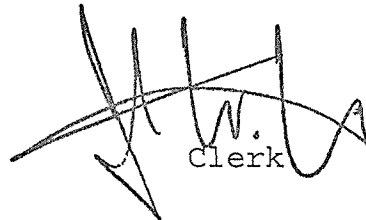
Defendant-respondent, Reverend Dr. James A. Forbes, Jr., having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 5, 2008 [mot. seq. no. 005] (M-2925),

And defendant-respondent, Frank Boone, having moved for the same relief (M-3314),

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

It is ordered that the motions are granted and the 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 September 1, 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

Renee Evans,
Petitioner-Appellant,

M-3098
M-3451
Index No. 401760/08

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

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

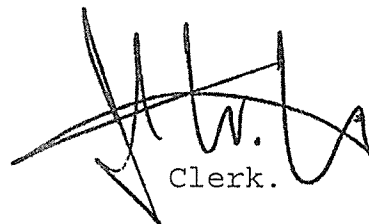
And petitioner-appellant having moved for poor person relief, for a stay of eviction with respect to the aforesaid order of the Supreme Court, and for related relief (M-3098),

And respondent-respondent having cross-moved for the dismissal of the aforesaid appeal (M-3451),

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 respondent's cross motion is granted and the appeal is dismissed. Petitioner's motion for poor person and related relief is denied, as moot.

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 September 1, 2009.

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

-----X
Chih-Chieh Kao, also known as
Kathy Kao,
Plaintiff-Appellant,

-against-

Wog Real Estate, LLC, Akira Shimada,
and Yuh Lan Hwu,
Defendants-Respondents.

M-3231
M-3291
M-3308
Index No. 603689/07

-----X

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

And plaintiff having moved for an enlargement of time in which to file the appendix and perfect the appeal (M-3231),

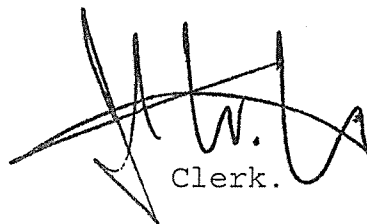
And defendants Akira Shimada and Yuh Lan Hwu having cross-moved to dismiss the appeal and for costs (M-3291),

And defendant Wog Real Estate having cross-moved to dismiss the appeal, awarding respondent costs on the motion, and awarding sanctions against appellant (M-3308),

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

It is ordered that the motion is denied and the appeal is dismissed. The cross motions are granted to the extent of awarding respondents one bill of \$100 costs.

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 September 1, 2009.

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

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

-against-

M-3118
Ind. No. 4005/08

Richard Mullikin,
Defendant-Appellant.

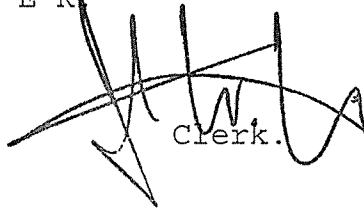
-----X

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 April 22, 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 the prior order of this Court entered on June 2, 2009 (M-2076), a copy of which is annexed hereto.

E N T E R


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 2, 2009.

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

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

Respondent,

-against-

M-2076
Ind. No. 4005/08

Richard Mullikin,

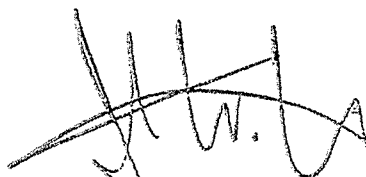
Defendant-Appellant.
-----X

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 April 22, 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, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, Amelio P. Marino, 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 September 1, 2009.

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

-----X
Ralph Hall,

Petitioner,

M-2058
Index No. 407110/07

-against-

Jacoby and Meyers Law Offices, Inc.,
et al.,

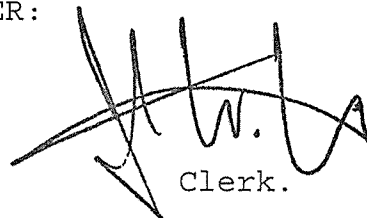
Respondents.
-----X

Petitioner having moved for leave to prosecute, as a poor person, a purported appeal from an unidentified order of the Supreme Court, New York County, 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.

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 September 1, 2009.

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

-----X
Russell D. Palmer,
Claimant-Appellant,

-against-

The State of New York,
Defendant-Respondent.
-----X

Court of Claims
M-3146
Claim No. 113141

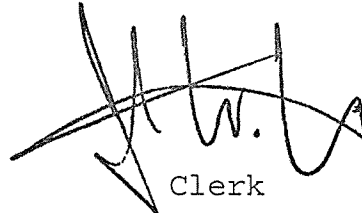
A purported appeal having been taken from an order of the Court of Claims of the State of New York entered on or about June 5, 2009,

And claimant having moved for leave to prosecute the appeal as a poor person, for the assignment of counsel, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon submission of the copy of the order appealed from.

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 September 1, 2009.

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

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

Respondent,

-against-

M-3155
Ind. No. 270/08

Shamar Edwards,

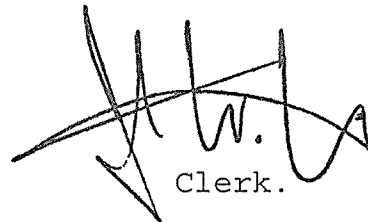
Defendant-Appellant.
-----X

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 6, 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 September 1, 2009.

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

-----X
Boris Kagan, et al.,

Plaintiffs-Appellants,

M-2875

M-3133

-against-

Index No. 106905/03

BFP One Liberty Plaza, et al.,

Defendants-Respondents.

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

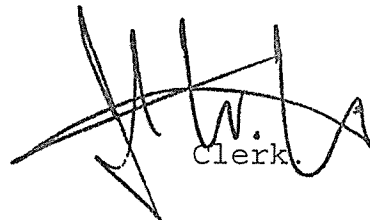
Plaintiffs-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 19, 2009 [Appeal No. 586], and for related relief (M-2875),

And David L. Kremen, Esq., Oshman & Mirisola, LLP, having cross-moved for leave to file a brief amicus curiae in connection with plaintiffs' aforesaid motion (M-3133),

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

It is ordered that the motion and cross motion are 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 September 1, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
James M. McGuire
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Marc Nickolson, et al.,
Plaintiffs-Respondents,

-against-

M-2430
M-2606
Index No. 22385/06

Gerius T. Albishara, et al.,
Defendants-Appellants,

Melissa Anne Coogan, et al.,
Defendants.

-----X

Plaintiffs-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 21, 2009 [Appeal No. 353] (M-2430),

And defendants-appellants having cross-moved for the imposition of costs and sanctions upon plaintiffs-respondents (M-2606),

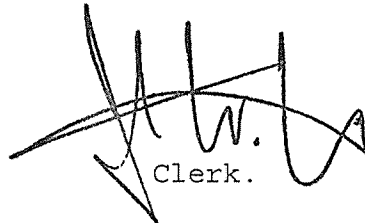
Now, upon reading and filing the papers with respect to the motion and cross motion, and due deliberation having been had thereon,

It is ordered that the motion, to the extent it seeks reargument, is denied. So much of the motion which seeks leave to appeal to the Court of Appeals is 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 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. The cross 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 September 1, 2009.

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

-----X
Mutual Redevelopment Houses, Inc.,
Petitioner-Landlord-Respondent,

-against-

M-2975
Index No. 570142/09

John Green, et al.,
Respondent-Tenant-Appellant.

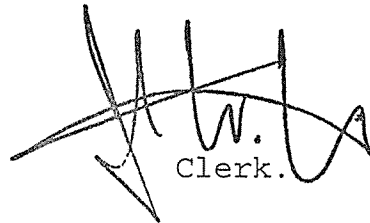
-----X

Respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about May 5, 2009,

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

It is ordered that the motion is denied.

ENTER:



Clerk.

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

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

-----X
1114 Morris Avenue HDFC,
Petitioner-Landlord-Respondent,

-against-

M-3256
Index No. 570419/08

Georgette Johnson,
Respondent-Tenant-Appellant.

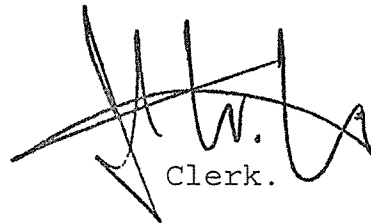
-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about May 29, 2009, and for a stay of the warrant of eviction pending hearing and determination of said appeal,

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

It is ordered that the motion is denied.

E N T E R:


Clerk.

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

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

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

-against-

M-3143
Ind. No. 2755/07

Antonio Gonzalez,
Defendant.

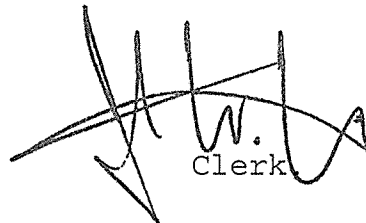
-----X

Defendant having moved for leave to file a late notice of appeal with respect to the judgment of the Supreme Court, New York County, rendered on or about May 23, 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. (CPL 460.30 Subd. 1)

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 September 1, 2009.

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

-----X
The People of the State of New York
ex rel. Robert Camarano,
Petitioner,

-against-

Mark Hughes, Warden, North Infirmary
Command, Riker's Island Correctional
Facility,
Respondent.

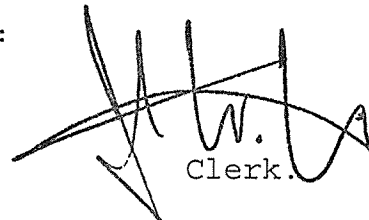
M-3147
Ind. No. Unknown
B&C No. 3490810313

-----X
The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this 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 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 September 1, 2009.

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

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

-against-

M-3164
Ind. No. 10816/98

James Mixon,
Defendant-Appellant.

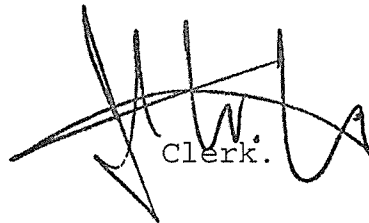
-----X

An order of this Court having been entered on April 23, 2009 (M-1357), granting defendant 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 February 4, 2009, and assigning Robert S. Dean, 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 Robert S. Dean, 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 September 1, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Helen E. Freedman, Justices.

-----X

In the Matter of

Jeffrey R.,

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

Catholic Home Bureau for
Dependent Children, et al.,
Petitioners-Respondents,

M-3232
Docket No. B9140/05

Carmen M.,
Respondent-Appellant.

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

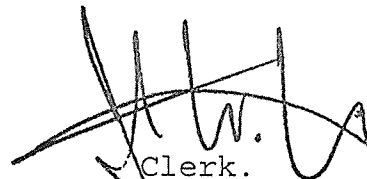
-----X

Respondent-appellant mother having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on June 18, 2009 (Appeal No. 851),

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 September 1, 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

Christopher R.; Crieg B.
and Curtis B., Jr.,

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

Administration for Children's
Services,
Petitioner-Respondent,

M-3362
Docket Nos. NN12698/06
NN12699/06
NN12700/06

Lecrieg B.-B.,
Respondent-Appellant.

Stephanie Rancer, Esq., Lawyers for
Children,
Law Guardian for the Children.

-----X
In the Matter of a Proceeding for
Custody and/or Visitation Under
Article 6 of the Family Court Act.

Docket Nos. V13766/06
V13767/06
V13768/06

Curtis B., Sr.,
Petitioner-Respondent,

-against-

Lecrieg B.-B.,
Respondent-Appellant,

Administration for Children's
Services,
Respondent.

-----X

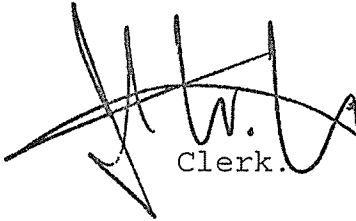
An appeal having been taken from the orders of the Family Court, New York County, both entered on or about January 15, 2009,

And respondent-appellant mother having moved for an order modifying the order of the Family Court regarding visitation,

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 September 1, 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

Felicia D. and Sonia C.,

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

M-3287
Docket Nos. NA38/08
NA39/08

Commissioner of the Administration
for Children's Services of the City
of New York,
Petitioner-Appellant/Respondent,

Juana F.,
Respondent-Respondent/Appellant,

Ruben F.,
Respondent.

Emily Kernan, Esq., Lawyers for
Children,
Law Guardian for the Children.

-----X

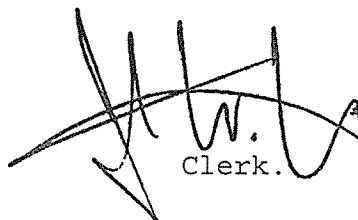
Separate appeals having been taken from the order of the Family Court, New York County, entered on or about May 4, 2009,

And petitioner-appellant Agency having moved for an enlargement of time in which to perfect their appeal, for a continuation of the relief afforded petitioner by an order of a Justice of this Court, dated May 8, 2009, 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 of the respective parties in which to perfect each appeal to the December 2009 Term, and continuing the relief afforded petitioner by an order of a Justice of this Court, dated May 8, 2009, pending hearing and determination of said appeal(s).

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 September 1, 2009.

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

-----X
Martin Bernstein, et al.,
Plaintiffs-Appellants,

-against-

Beresford Apartments, Inc.,
Defendant,

M-2994
Index No. 106655/07

Robert Weinstein,
Defendant-Respondent.

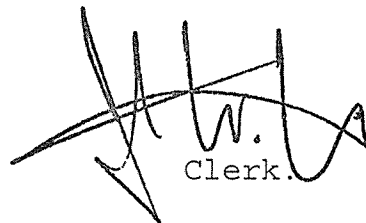
-----X

Plaintiff-appellant having moved for reargument of the decision and order of this Court entered on May 26, 2009 (Appeal No. 646N),

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

It is ordered that the motion is denied.

E N T E R:


Clerk.

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

Present - Hon. Eugene Nardelli, Justice Presiding,
John T. Buckley
Karla Moskowitz
Dianne T. Renwick, Justices.

-----X
Liam Cregan, etc., et al.,
Plaintiffs-Appellants,

-against-

M-3002
Index No. 117401/05

Michael E. Sachs, M.D., et al.,
Defendants,


Madhavarao Subbaro, M.D.,
Defendant-Respondent.
-----X

Defendant-respondent having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 28, 2009 (Appeal No. 4949), and for related relief,

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

It is ordered that the motion is denied.

E N T E R:


Clerk

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

BEFORE: Hon. DAVID FRIEDMAN
Justice of the Appellate Division

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

M-2702
Bronx County
Case No. 10614C-06

-against-


CERTIFICATE
DENYING LEAVE

Owshadram Mohabir,
Defendant.

-----X

I, DAVID FRIEDMAN, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the Order of the Supreme Court, Bronx County, entered on or about February 20, 2009, is hereby denied.

Dated: New York, New York
August 13, 2009



DAVID FRIEDMAN
Justice of the Appellate Division

ENTERED SEP - 1 2009

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

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

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

M-1570
Ind. No. 6930/02

-against-

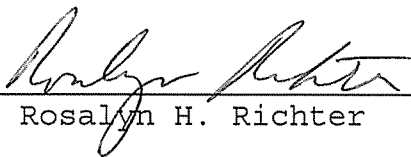
CERTIFICATE
DENYING LEAVE

Harry Artis

Defendant.

-----X

I, Rosalyn H. Richter, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, and upon the application 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 November 3, 2008 is hereby denied.



Hon. Rosalyn H. Richter

Dated: August 14, 2009
New York, New York

ENTERED: SEP -1 2009

PM ORDERS

ENTERED

08/25/2009

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 August 25, 2009.

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

-----X
In the Matter of the Application of
450-452 East 81st Street, LLC,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3264
Index No.107201/08

New York State Division of Housing
and Community Renewal,
Respondent-Respondent,

-and-

Bruce Sanford,
Respondent.

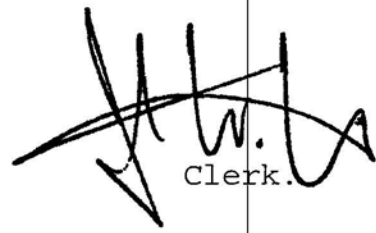
-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about December 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 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 August 25, 2009.

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

-----X
Juvondi R. Pender, also known as
Juivondi R. Pender, also known as
J.R. Pender,

Claimant-Appellant,

-against-

State of New York, et al.,

Defendants-Respondents,
-----X

M-2179
Court of Claims
Claim No. 114525

An order of this Court having been entered on April 23, 2009 (M-697) denying claimant-appellant leave to prosecute, as a poor person, the appeal taken from the order of the Court of Claims of the State of New York entered on or about October 23, 2008,

And claimant-appellant having moved for reconsideration of the aforesaid motion,

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/reconsideration, and to the extent it seeks leave to prosecute as a poor person an appeal from the order of the Court of Claims entered on or about March 17, 2009, 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 August 25, 2009.

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

-----X
Hayden Williams and Erna Williams,
Plaintiffs-Respondents,

-against-

M-3420
Index No. 18019/04

The City of New York, et al.,
Plaintiffs-Respondents.

-----X
New York State Dormitory Authority,
Third-Party Plaintiff-Respondent,

-against-

Third-Party
Index No. 84158/04

F & R Installers,
Third-Party Defendant-Appellant,
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 17, 2008,

And third-party defendant-appellant having moved for an order staying trial, 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 August 25, 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-2937 & M-3125
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 May 14, 2008 (mot. seq. no. 004),

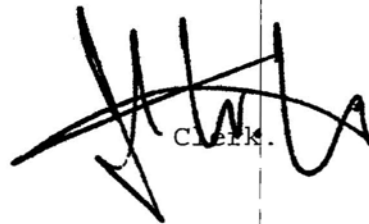
And Lloyd A. Gelwan, Esq. and Glenn Backer, Esq., counsel for plaintiffs-appellants-respondents, having moved to withdraw as counsel on the direct appeal, and for related relief (M-2937),

And defendants-respondents-appellants having cross-moved for an enlargement of time in which to perfect the cross appeal (M-3125),

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 granted on condition that counsel serve a copy of this order upon each of the defendants within 10 days of the date of entry hereof. The time of plaintiffs in which to perfect the direct appeal is enlarged to the January 2010 Term. The cross motion is granted to the extent of directing the defendants to perfect the cross appeal as direct appellants for the next available term of Court should plaintiffs fail to so perfect.

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 August 25, 2009.

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

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

-against-

Donnie Williams,
Defendant-Appellant.

M-3835
Ind. No. 893C/07

-----x
An appeal having been taken to this Court from the judgment of the Supreme Court, Bronx County, rendered on or about April 29, 2009,

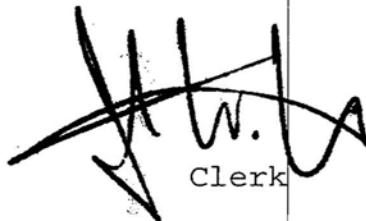
And an Order of a Justice of this Court, Granting Bail After Appeal Taken (Abdus-Salaam, J.), having been entered on April 29, 2009,

And defendant-appellant having moved for an order continuing bail and for related relief, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted to the extent of continuing defendant's release on bail on the terms and conditions contained in the bail order entered on April 29, 2009 and on the further condition that the appeal is perfected for the January 2010 Term.

ENTER:


Clerk