

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 22, 2009.

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

-----X
Zoe Ministries, Inc.,

Plaintiff-Appellant,

M-3816X
Index No. 602745/08

-against-

Master Apts., Inc.,

Defendant-Respondent.

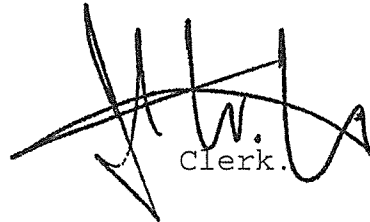
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 8, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 17, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2009.

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

-----X
Inference Data, LLC,

Petitioner-Appellant,

-against-

M-3819X
Index No. 600712/08

Catalyst Repository Systems, Inc.,
formerly known as Caseshare Systems,
Inc., et al.,

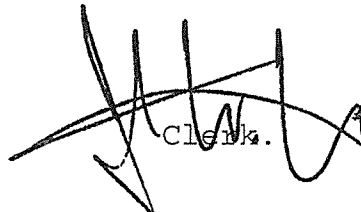
Respondents-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 10, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 17, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 22, 2009.

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

-----X
Brian Warner,

Plaintiff-Appellant,

-against-

M-3861X
Index No. 306670/07

Vicki Arkin Warner,

Defendant-Respondent.

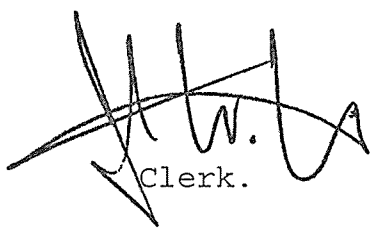
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 19, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 18, 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 22, 2009.

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

-----X
Nelson Gonzalez,
Plaintiff-Respondent,

-against-

M-3826X
Index No. 106484/06

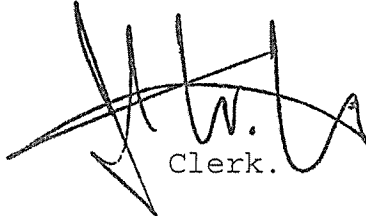
525 West 175th Street, LLC.,
Defendant-Appellant.
-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about April 18, 2008 (mot. seq. no. 001) and March 18, 2009 (mot. seq. no. 002), respectively,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 18, 2009, and due deliberation having been had thereon,

It is ordered that the appeals are withdrawn in accordance with the aforesaid stipulation. (See M-3250, decided simultaneously herewith.)

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009.

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

-----X
Nelson Gonzalez,
Plaintiff-Respondent,

-against-

525 West 175th Street, LLC.,
Defendant-Appellant.

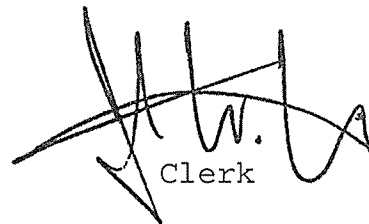
M-3250
Index No. 106484/06

-----X
Defendant-appellant having moved for an enlargement of time in which to perfect the appeals from the orders of the Supreme Court, New York County, entered on or about April 18, 2008 (mot. seq. no. 001) and March 18, 2009 (mot. seq. no. 002), respectively,

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties "so ordered" August 18, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn. (See M-3826X, decided simultaneously herewith.)

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 22, 2009.

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

-----X
Robert Sienkiewicz, et al.,

Plaintiffs-Respondents-Appellants,

-against-

M-3867X
Index No. 104246/06

334 East 92nd Housing Development
Fund Corp., et al.,

Defendants-Appellants-Respondents.

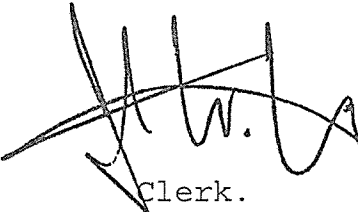
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, New York County, entered on or about February 25, 2009 (mot. seq. no. 002),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 20, 2009, and due deliberation having been had thereon,

It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation.

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 22, 2009.

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

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

Arnav Retirement Trust,
Petitioner-Appellant,

M-3808
Index No. 119155/06

For a Judgment, etc.,

-against-

New York City Water Board, et al.,
Respondents-Respondents.

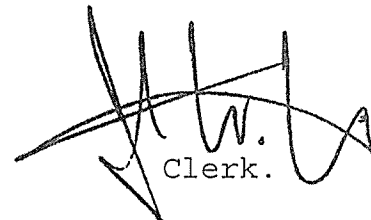
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 1, 2007 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, filed August 6, 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 22, 2009.

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

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

Arnav Industries, Inc., et al.,
Petitioners-Appellants,

M-3809
Index No. 109898/06

For a Judgment, etc.,

-against-

New York City Water Board, et al.,
Respondents-Respondents.

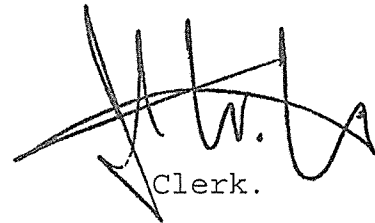
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 13, 2007 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, filed August 6, 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 22, 2009.

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

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

CDO Corp., et al.,
Petitioners-Appellants,

M-3810
Index No. 111532/06

For a Judgment, etc.,

-against-

New York City Water Board, et al.,
Respondents-Respondents.

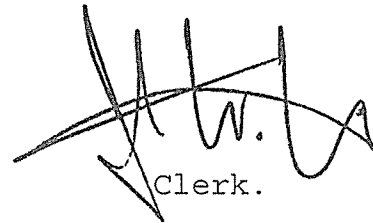
-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about May 9, 2007 (mot. seq. no. 001),

Now, upon reading and filing the stipulation of the parties hereto, filed August 6, 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 22, 2009.

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

-----X
Abraham Pabon,

Plaintiff-Respondent,

-against-

M-4150
Index No. 6257/07

Jonathan Cerda & Victor Tolentino,

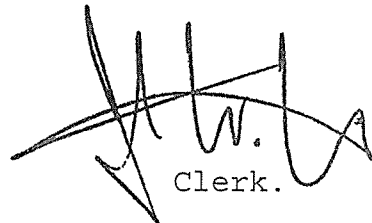
Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 13, 2009,

Now, upon reading and filing the stipulation of the parties hereto, filed September 9, 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 (See M-3616, decided simultaneously herewith).

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on September 22, 2009.

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

-----X
Abraham Pabon,

Plaintiff-Respondent,

-against-

M-3616
Index No. 6257/07

Jonathan Cerda & Victor Tolentino,

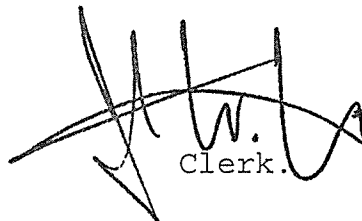
Defendants-Appellants.
-----X

Defendants-appellants having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about January 13, 2009,

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

It is ordered that the motion is dismissed, as academic (See M-4150, decided simultaneously herewith).

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009.

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

-----x
Edward Hanley,
Plaintiff-Respondent,

-against-

McClier Corporation,
Defendant-Respondent-Appellant,

M-2971
Index No. 28084/01

NYP Holdings, Inc., The News Corporation,
Safeway Steel Products, Inc. and
Allsafe Height Contracting Corp.,
Defendants-Respondents,

-and-

Hirani Engineering and Land
Surveying, P.C.,
Defendant-Appellant-Respondent.

-----x

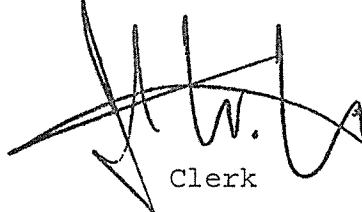
Defendant-appellant-respondent Hirani Engineering and Land Surveying, P.C. having moved for clarification and/or reconsideration of the decision and order of this Court entered on June 9, 2009 (Appeal No. 331),

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 amending the decision and order of this Court entered on June 9, 2009 (Appeal No. 331) as follows:

- p. 2 - line 2 - replace "claim" with "claims"
- p. 2 - line 3 - delete "contractual"
- p. 3 - line 5 - replace "indemnification claims . . .
'actions or inactions.'" with
"indemnification claim against Hirani as
well as the common law indemnification
claim that Supreme Court left undecided."

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 22, 2009.

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

-----X
Linda Salvati by the Guardian of her Property and Co-Guardian of her person, Julie Stoil Fernandez, Esq., and George McCormack, as Preliminary Executor of the Estate of Virginia Salvati,
Plaintiffs-Respondents-Appellants,

M-3851
Index No. 105683/05

-against-

Beth B. Reisman-Sholom,
Defendant-Appellant-Respondent,

-and-

Lawrence Reisman and Maurice X. Donoso,
Defendants.

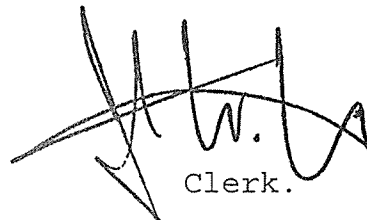
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 22, 2007 (mot. seq. no. 003),

Now, upon reading and filing the stipulation of the parties hereto, filed August 18, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the October 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009.

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

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

-against-

M-3732
Ind. No. 3771/95

Marisol Araud,
Defendant-Appellant.

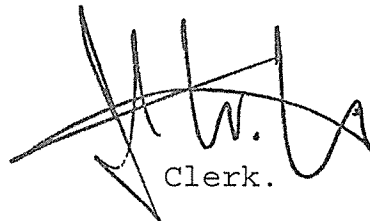
-----X

Defendant having moved for an enlargement of time in which to perfect the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 27, 2007,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009.

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

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

M-3941
M-3942

-against-

Ind. Nos. 3186/04
3944/05
Case No. 52587C/05

Robert Brown,
Defendant-Appellant.

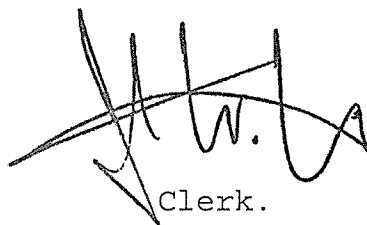
-----X

Defendant-appellant having moved for leave to file pro se supplemental briefs in connection with the appeals from judgments of the Supreme Court, Bronx County, rendered on or about October 26, 2006 (M-3942) and November 9, 2006 (M-3941), respectively, for copies of the trial transcripts and for an enlargement of time in which to file said pro se supplemental briefs,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of each of his pro se supplemental briefs on or before November 9, 2009 for the January 2010 Term, to which Term the appeals are adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated transcripts of the minutes relating to defendant's appeals, said transcripts to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental briefs hereto. The appeals will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
James M. Catterson
Karla Moskowitz
Rosalyn H. Richter, Justices.

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

-against-

M-3590
Case No. 21094C/09

Tammy Lang,
Defendant-Appellant.

-----x

Defendant having renewed her motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about April 6, 2009, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

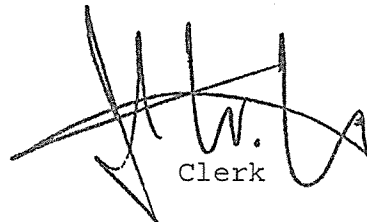
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009.

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

-----X
Mark A. Taylor,

Plaintiff-Appellant,

-against-

M-3944
Index No. 570594/06

New York University Medical Center
and Peter L. Ferrara,

Defendants-Respondents.
-----X

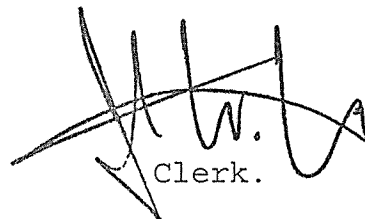
Leave to appeal to this Court having been granted by the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 11, 2008,

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

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before November 9, 2009 for the January 2010 Term, 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 22, 2009.

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

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

Testwell, Inc., doing business as
Testwell Laboratories, Inc.,
Petitioner-Respondent,

M-4131
Index No. 111801/09

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

-against-

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

-----X

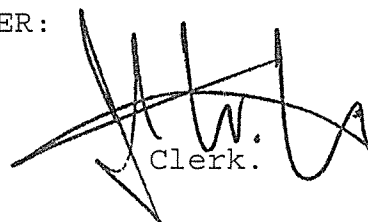
An appeal having been taken by municipal appellants from the order of the Supreme Court, New York County, entered on or about September 1, 2009,

And petitioner-respondent having moved for an order vacating any stay afforded municipal appellants pursuant to CPLR 5519(a) subd. 1, 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 only to the extent of directing municipal appellants to perfect the appeal on or before November 9, 2009 for the January 2010 Term, and the motion is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009.

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

-----X
BMO Capital Markets Corp.,
Plaintiff-Respondent,

-against-

M-3385
Index No. 650382/08

Linea Aqua S.I. LLC,
Defendant-Appellant.
-----X

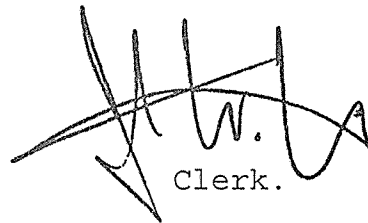
An order of this Court having been entered on May 19, 2009 (M-2039), granting a stay of all proceedings pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about April 24, 2009 (mot. seq. no. 001) on the condition the appeal be perfected for the September 2009 Term,

And plaintiff-respondent having moved for an order vacating the stay granted by the order of this Court entered on May 19, 2009 (M-2039), and for dismissal of the appeal,

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

It is ordered that the motion denied, with leave to renew upon demonstration of service of the moving papers upon defendant at its last known business address after diligent inquiry as to same.

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 22, 2009

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

-----X
Bernard H. Glatzer,
Plaintiff-Respondent,

-against-

M-3348
Index No. 13692/99

Michael F. Hanley Moving and
Storage, Inc., et al.,
Defendants,

The Dorfman Organization, Ltd.,
Non-Party Appellant.

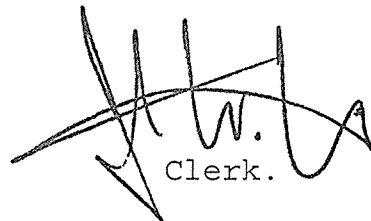
-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 17, 2006,

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

It is ordered that the motion is 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 22, 2009.

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

-----X
Kathryn Jordan,

Plaintiff-Appellant,

M-3454

M-3490

-against-

Index No. 105183/07

Gary Phelan, Wayne Outten and Outten
& Golden,
Defendants-Respondents.

-----X

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

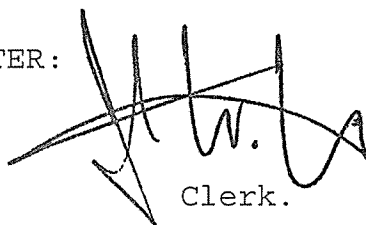
And defendants-respondents Wayne Outten and Outten & Golden (M-3490) and Gary Phelan (M-3454) having separately moved to dismiss the aforesaid appeal,

And plaintiff-appellant having sought an enlargement of time in which to perfect the appeal,

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

Ordered that the motions are granted and the 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 22, 2009.

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

-----X
Kathryn Jordan,
Plaintiff-Appellant,

-against-

M-3360
Index No. 600246/07

Laurence Lebowitz and Klein Zellman,
Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 6, 2008,

And an order of this Court having been entered on June 16, 2009 (M-2242), inter alia, granting plaintiff a final enlargement of time in which to perfect the appeal to the September 2009 Term,

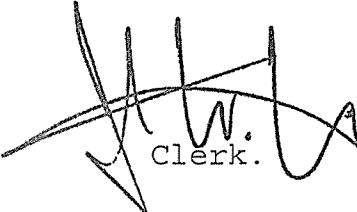
And defendants-respondents having moved to dismiss plaintiff's appeal, and for additional relief,

And plaintiff-appellant having sought, inter alia, reconsideration of so much of the order of this Court entered on June 16, 2009 (M-2242) which denied appellant's motion for an enlargement of the record on appeal, and for a further enlargement to perfect the appeal,

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

Ordered that defendants' motion is granted to the extent of dismissing plaintiff's appeal, and is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009.

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

-----X
Jonathan Almonte,
Plaintiff-Appellant,

-against-

M-3399
Index No. 15252/06

Park Avenue Car & Limousine, Inc.,
et al.,
Defendants-Respondents.

-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 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.

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 22, 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

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

M-3375

Docket No. B24201/03

A Dependent Child Under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

- - - - -
Pius XII Youth and Family Services
and St. Dominic's Home,
Petitioners-Respondents,

John Francis G., also known as
John G.,
Respondent-Appellant.

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

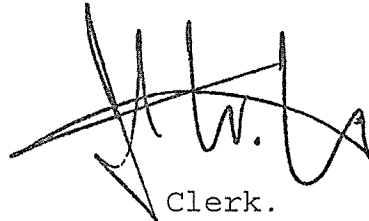
-----X

Petitioner-respondent Saint Dominic's Home having moved for dismissal of the appeal taken from the order of the Family Court, Bronx County, entered on or about April 30, 2008 (resettled order entered June 6, 2008),

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

It is ordered that the motion is denied. Assigned counsel is directed to perfect the appeal for the January 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 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-3605
Ind. No. 6599/01

Synell Sims,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about May 26, 2009, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

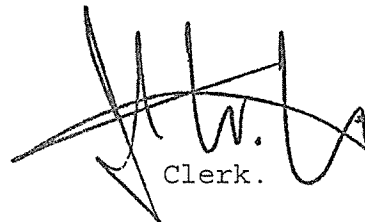
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 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-3705
Ind. No. 4223/99

Andre Riddick, also known as
Xavier Binghampton,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, Bronx County, rendered on or about June 18, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

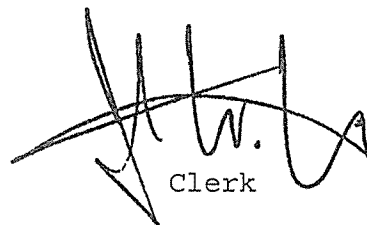
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 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

Odette D.,

M-3768

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

Docket No. N11980/07

Administration for Children's Services,
Petitioner-Respondent,

Sidney D.,
Respondent-Appellant.

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

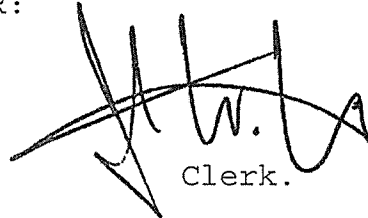
-----X
Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about November 20, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Geoffrey P. Berman, Esq., 2005 Palmer Avenue, #176, Larchmont, NY 10538, Telephone No. (914) 834-3053, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

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

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 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-3722
Ind. No. 2631/06

Gilbert Rivera,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about July 28, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

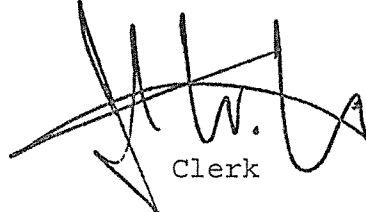
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 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-3623
Ind. No. 2354/08

Rodney Samuels,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 5, 2009, and for leave to prosecute the appeal as a poor person on the original record and upon a reproduced appellant's brief, and for assignment of counsel,

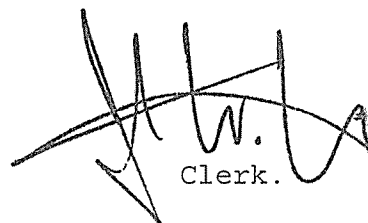
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 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-3643
Ind. No. 99016/04

Myron Mungin,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, Bronx County (Megan Tallmer, J.) entered on or about June 24, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

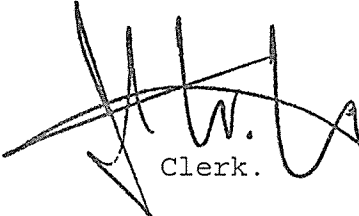
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009.

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

-----x
In the Matter of a Family Offense
Proceeding Under Article 8 of the
Family Court Act,

Kathy Elaine H.C.,
Petitioner-Respondent,

M-3822
Docket No. O-20395/07

-against-

Fred T.,
Respondent-Appellant.

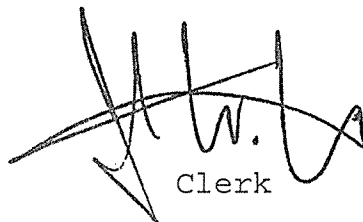
-----x

Petitioner-respondent having moved for leave to respond, as a poor person, to the appeal taken from the order of the Family Court, Bronx County, entered on or about May 29, 2008, for the assignment of counsel, a free copy of the transcript, and for related relief,

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

It is ordered that the motion is granted and (1) pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, New York 11791, Telephone No. 516-921-8800, is assigned as counsel for purposes of responding to the appeal; (2) permitting movant to respond to the appeal upon a reproduced respondent's brief, on condition that one copy of such brief be served upon the attorney for appellant and 10 copies thereof are filed with this Court. Sua sponte, the appeal is adjourned to the January 2010 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 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 Guardianship and
Custody of

Nahajah Lituarrah Lavern K.,

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

Leake and Watts Services, Inc., et al.,
Petitioners-Respondents,

M-3841
Docket No. B28787/04

Tiffany W.,
Respondent-Appellant.

Steven N. Feinman, Esq.,
Law Guardian for the Child.

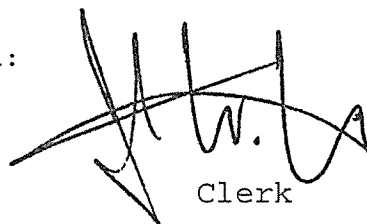
-----x
An appeal having been taken to this Court from the order of the Family Court, Bronx County, entered on or about March 25, 2008,

And law guardian for the child, Ava G. Gutfriend, Esq., having moved for an order to be relieved as law guardian and to substitute other counsel to respond to the appeal,

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

It is ordered that the motion is granted to the extent of relieving movant as law guardian and substituting, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, Tel. No. 914-949-8214 as law guardian for purposes of responding to the appeal.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009.

PRESENT: Hon. Angela M. Mazzarelli, 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-3625
Ind. No. 851/08

Anthony Bellisario,
Defendant-Appellant.

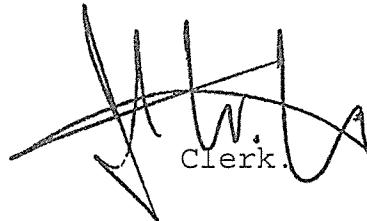
-----X

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

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to post the \$5,000 bond or \$3,000 cash bail in the Supreme Court, the disposition thereof, 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 22, 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-3637
Ind. No. 1686/06

Malik Bryson,
Defendant-Appellant.

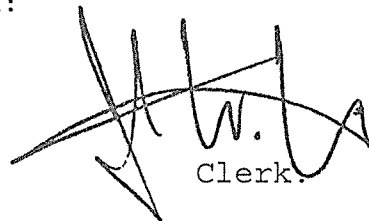
-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about December 16, 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 defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth facts sufficient to establish that defendant has no funds or assets with which to prosecute the appeal, including the terms of defendant's retainer agreement with trial counsel, Deron Castro, 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 22, 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-3663
Ind. No. 1486/08

Andre Smalls,
Defendant-Appellant.

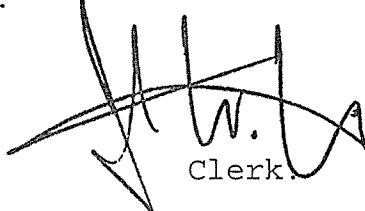
-----X

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 November 21, 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 defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources of funds to pay the fee of trial counsel, A. Stoll, Esq., and to post the \$15,000 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 22, 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-3696
Ind. No. 3786/05

Manuel Mendez,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 2, 2006,

And Jorge Guttlein, Esq., retained counsel for defendant, having moved to be relieved as counsel on the aforesaid appeal,

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

Ordered that the motion is denied, with leave to renew upon counsel's proof of proper service of the moving papers herein upon defendant-appellant, Florencia Mendez and Yudelki Del Orbe, each at their last known address after diligent inquiry as to same.

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 22, 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-3684
Ind. No. 4232/00

Michael Cagle,
Defendant-Appellant.

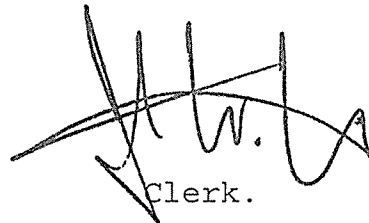
-----X

An order of this Court having been entered on July 21, 2009 (M-3017), inter alia, substituting Robert S. Dean, Esq., as counsel to prosecute defendant's appeal taken from the judgment of **resentence** of the Supreme Court, New York County, rendered on or about September 16, 2008; 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 22, 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
Wesley Lakins and Diana Lakins,

Petitioners-Appellants,

M-3708
Index No. 401204/08

For a Judgment, etc.,

-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 December 15, 2008 (mot. seq. no. 001),

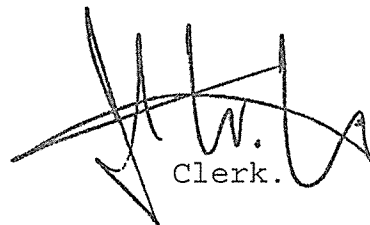
And an order of this Court having been entered on May 5, 2009 (M-1309), inter alia, granting petitioners leave to prosecute the appeal as poor persons,

And petitioners having now moved for the assignment of counsel to argue the appeal,

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

Ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 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
James T. Williams,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-3746
Index No. 402485/07

David A. Hansell, as Commissioner of
the New York State Office of Temporary
and Disability Assistance and Robert
Doar, as Commissioner of the New York
City Human Resources Administration,
Respondents-Respondents.

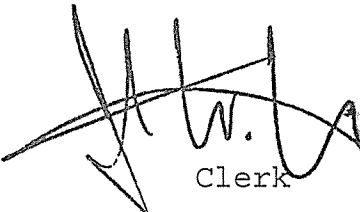
-----X

Petitioner having moved for an enlargement of time in which to perfect the appeal from an order and judgment (one paper) of the Supreme Court, New York 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 22, 2009.

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

-----X
Vivian Kleinerman and Gerald
Kleinerman,
Plaintiffs-Respondents,

-against-

M-3969
Index No. 604135/07

245 East 87 Tenants Corp., et al.,
Defendants-Appellants.
-----X

Defendants having moved for an enlargement of time in which to perfect their appeal from an order of the Supreme Court, New York County, entered on or about December 23, 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 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 22, 2009.

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

-----X
Osvaldo Baez,
Plaintiff-Respondent,

-against-

Barnard College,
Defendant-Appellant.

M-3923
Index No. 23080/01

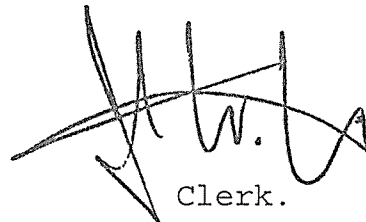
-----X

Defendant-appellant having moved for an enlargement of time in which to perfect their appeal from an order of the Supreme Court, Bronx County, entered on or about November 5, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the January 2010 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009

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

-----X

Open Media LLC and Team NY LLC,

Plaintiffs-Appellants,

-against-

M-3805

Index No. 600638/07

Michael Bunker, et al.,

Defendants-Respondents.

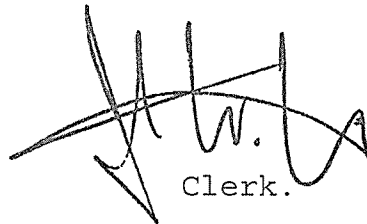
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about September 16, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the May 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 22, 2009.

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

-----X
333 East 49th Partners, L.P.,

Petitioner-Appellant,

-against-

M-3396
Index No. 570761/07

Marjorie Siebert,

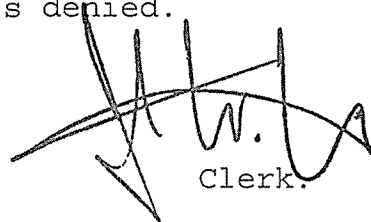
Respondent-Respondent.
-----X

Petitioner having moved for leave to appeal to this Court from the order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about April 14, 2009, for a stay of eviction, and related relief,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 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,
Appellant,

-against-

Western Express International, Inc., et
al.,

Defendants-Respondents,

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

M-3472
Ind. No. 3782/07

-against-

Kostas Kapsis, also known as "Mike Belios",
also known as "The Viper",
Defendant-Respondent.

-----x

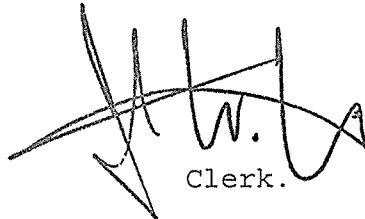
The People having appealed to this Court from orders of the Supreme Court New York County, entered on or about July 23, 2008, February 26, 2009 and March 3, 2009, respectively,

And the People having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of permitting appellants to prosecute the appeals upon the original record and 10 copies of one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to the February 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 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-3633
Ind. No. 4909/06

Owen Steward,
Defendant-Appellant.

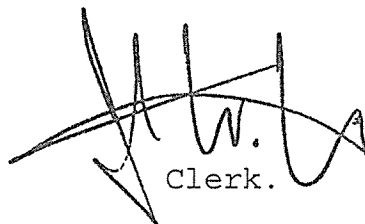
-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about April 26, 2007, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before November 9, 2009 for the January 2010 Term, to which Term the appeal is adjourned. The Clerk of the Court is directed to forward to the Warden at the State correctional facility wherein defendant is incarcerated a transcript of the minutes relating to defendant's appeal, said transcript to be made available to appellant and returned by appellant to this Court when submitting the pro se supplemental brief hereto. The appeal will not be heard unless and until all material furnished to appellant has been returned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009.

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

-----X
Sarit Shmueli,

Plaintiff-Respondent,

-against-

M-3958
Index No. 104824/03

NRT New York, Inc., doing business
as The Corcoran Group,

Defendant-Appellant.
-----X

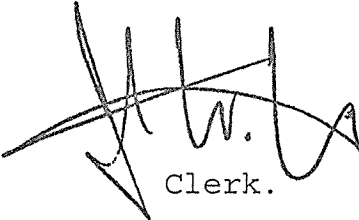
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about January 5, 2007, and said appeal having been perfected,

And plaintiff-respondent having moved for leave to file a sur-reply brief and to dismiss the aforesaid appeal,

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

Ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on September 22, 2009.

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

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

Marquice Miller,
Petitioner-Appellant,

M-3603
Index No. 401859/08

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

-against-

New York City Housing Authority,
Respondent-Respondent.

-----X

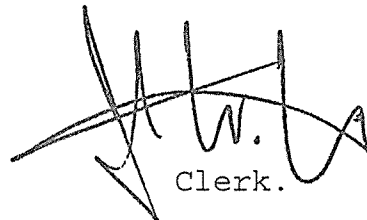
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 13, 2009,

And petitioner-appellant having moved to stay eviction proceedings in Civil Court, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is 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 22, 2009.

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

-----X
Cheryl Lynn Champion,

Petitioner-Respondent,

-against-

M-3831
Index No. 260127/09

Metropolitan Transit Authority,
et al.,

Respondents-Appellants.

-----X

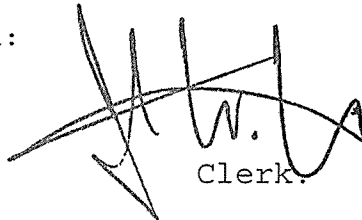
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 29, 2009,

And petitioner having moved for vacatur of respondents' statutory automatic stay, 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 unless respondents perfect the appeal on or before November 9, 2009 for the January 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009

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

-----X
Dina Cahn,

Plaintiff-Respondent,

-against-

M-3598
Index No. 350419/07

Jerry Cahn,

Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 26, 2009,

And defendant-appellant having moved to stay the payment of certain attorney's fees, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 22, 2009.

Present: Hon. David B. Saxe, Justice Presiding,
David Friedman
John W. Sweeny, Jr.
Rolando T. Acosta
Helen E. Freedman, Justices.

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

Respondent,

-against-

M-2247
Ind. No. 3726/06

Kenneth Moore, also known as James Jackson,

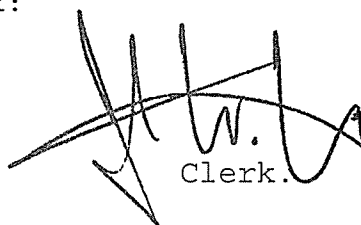
Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument of the decision and order of this Court entered on April 14, 2009 (Appeal No. 323),

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

It is ordered that the motion is denied.

ENTER:


Clerk.

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

BEFORE: Hon. Peter Tom
Justice of the Appellate Division

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

M-3628
Ind. No. 14970/90


-against-

CERTIFICATE
DENYING LEAVE

William Vega,

Defendant.
-----X

I, Peter Tom, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about June 30, 2009 is hereby denied.



Hon. Peter Tom
Associate Justice

Dated: September 10, 2009
New York, New York

ENTERED

SEP 22 2009

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

BEFORE: Hon. Rolando T. Acosta
Justice of the Appellate Division

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

M - 3656
Ind. No. 10263/95

-against-

CERTIFICATE
DENYING LEAVE

Pedro Rodriguez,

Defendant.

-----X

I, Rolando T. Acosta, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 14, 2009 is hereby denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: September 8, 2009
New York, New York

ENTERED: **SEP 22 2009**

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

BEFORE: Hon. Leland G. DeGrasse
Justice of the Appellate Division

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

M-3609
Ind. No. 6108/06

-against-

CERTIFICATE
DENYING LEAVE

Diego Pillco, Defendant.
-----X

I, Hon. Leland G. DeGrasse, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 9, 2009, is hereby denied.

Dated: New York, New York
September 10, 2009



Hon. Leland G. DeGrasse
Justice of the Appellate Division

ENTERED

SEP 22 2009

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

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

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

M-3642
Ind. No. 4443/07

-against-


CERTIFICATE
DENYING LEAVE

Bernard Solomon

Defendant.

-----X

I, Sheila Abdus-Salaam, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon 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 April 21, 2009 is hereby denied.


Associate Justice

Dated: September 10, 2009
New York, New York

ENTERED: **SEP 22 2009**

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

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

-----X
Monter Joint Stock Company,
Petitioner,

-against-

The Deposit Insurance Agency of
The Republic of Serbia,
Respondent,

M-2904
M-2983
Index No. 105835/09

Superintendent of the Banks of
The State of New York,
Respondent.


-----X

Respondent, The Deposit Insurance Agency of The Republic of Serbia, having moved by separate motions for, inter alia, leave to appeal to this Court from the order of the Supreme Court, New York County, entered on or about June 17, 2009 (M-2904), and for related relief (M-2983),

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 leave to appeal is denied (M-2904); and motion M-2983 is denied as academic.

Dated: New York, New York
September 8, 2009



Dianne T. Renwick
Associate Justice

Entered: **SEP 22 2009**

PM ORDERS

ENTERED

SEPTEMBER 15, 2009

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 15, 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

William A.,

A Person Alleged to Be a Juvenile
Delinquent,

M-3795
Docket No. D-26334/08

Appellant.
-----X

An appeal having been taken from an order of the Family Court, Bronx County, entered on or about February 17, 2009, said appeal having been perfected for the September 2009 Term,

And, petitioner-respondent having moved for dismissal of the aforesaid appeal,

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

It is ordered that the motion is denied without prejudice to addressing the issue on the appeal 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 15, 2009.

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

-----X
IRB-Brasil Resseguros S.A.,
Plaintiff-Respondent/Appellant,

-against-

M-3504A
Index No. 604013/06

Eldorado Trading Corporation Ltd.,
et al.,
Defendants-Appellants/Respondents.
-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about October 1, 2008 and defendants having taken an appeal from the judgment of said Court, entered on or about June 9, 2009,

And plaintiff having moved for consolidation of the aforesaid appeals, for an enlargement of time in which to perfect said appeals, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties dated September 11, 2009 and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of amending the caption as indicated and the parties shall perfect their respective appeals as if cross-appellants for the December 2009 Term in accordance with the stipulation. The attention of the parties is directed to Rule 600.11(d) with respect to a joint record and costs thereof. The order of this Court entered on August 25, 2009 (M-3504) is herewith recalled and vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 15, 2009.

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

-----X
Nella Manko,
Plaintiff-Appellant,

-against-

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

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

M-4032
M-4042
Index No. 109296/07

Defendant-respondent Elton Strauss having moved to strike plaintiff's appeal from the judgment of the Supreme Court, New York County, entered on or about February 15, 2008 (mot. seq. no. 001), and for related relief (M-4032),

And defendant Lenox Hill Hospital having cross-moved to dismiss plaintiff's appeal to the extent that it affects movant (M-4042),

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 by defendant-respondent Elton Strauss to strike plaintiff's appeal is denied (M-4032). The cross-motion is granted to the extent of dismissing any appeal from the aforesaid order to the extent said order be deemed to affect movant, Lenox Hill Hospital (M-4042).

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 15, 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

Samantha Stephanie R.
and Angelica Miguel R.,

Dependent Children under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

M-3792
Docket Nos. B1362-3/07

- - - - -
Coalition for Hispanic Family
Services, et al.,
Petitioners-Respondents,

Yolanda O.,
Respondent-Appellant.

- - - - -
Brad Martin, Esq.,
Law Guardian for the Children.

-----X

Petitioners-respondents having moved to dismiss the appeal taken from the order of the Family Court, New York County, entered on or about July 16, 2008,

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

It is ordered that the motion to dismiss the appeal is granted unless the appeal is perfected for the January 2010 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 15, 2009.

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

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

-against-

M-3872
Case No. 4268C/05

Samuel Encarnacion,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, Bronx County, entered on or about December 19, 2007, 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 15, 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-

M-3523
Ind. No. 1407/07

Alana Gordian,
Defendant-Appellant.

-----x

An appeal having been taken to this Court by the above-named defendant-appellant from the judgment of the Supreme Court, Bronx County, rendered on March 12, 2009,

And defendant-appellant having moved, pursuant to CPL §§ 460.50 and 530.50, to be admitted to bail pending the hearing and determination of the aforesaid appeal,

And this Court having granted the motion on March 24, 2009, to the extent of fixing bail in the sum of \$4,000 surety company bond or \$4,000 cash and staying execution of the judgment pending hearing and determination of the appeal on condition that the appeal be perfected within 120 days of said order fixing bail, and defendant-appellant having posted bail of \$4,000 cash on or about March 30, 2009,

And defendant-appellant now having moved to extend the stay of execution until 120 days from the date the record on appeal is filed,

Now, upon reading and filing the notice of motion, with proof of due service thereof, and the papers submitted in support of the motion and in opposition or in relation thereto, and after hearing Risa Gerson, Esq., for the motion and Frances Wang, Esq., opposed, it is

Ordered that said motion is granted, and subject to the provisions of CPLR §460.50(4), execution under the judgment is stayed pending hearing and determination of the appeal on condition that said appeal be perfected within 120 days from the

date the record on appeal is filed. In the event of failure to comply with the foregoing conditions within the time specified (or such extensions thereof as may be granted), defendant shall surrender himself to Supreme Court, Bronx County, in order that execution of said judgment be commenced or resumed.

ENTER:



W. L.
Clerk