

At a 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 24, 2009.

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

-----X
Dennys Hiraldo,

Plaintiff-Respondent,

-against-

M-3934X
Index No. 16485/05

New York City Housing Authority,

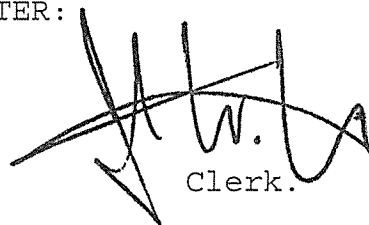
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 24, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 26, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 24, 2009.

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

-----X

Valesca Guerrand-Hermes,

Plaintiff-Respondent,

-against-

M-3935X

Index No. 350263/06

Mathias Guerrand-Hermes,

Defendant-Appellant.

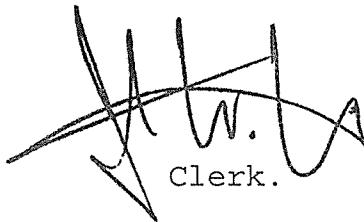
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 3, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" August 26, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 24, 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-3938
Ind. No. 2020N/05

Julian Mirabel, also known as
Julian Mirabal,

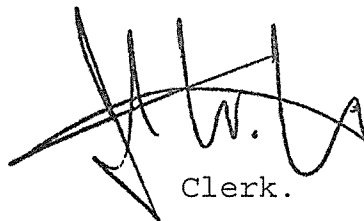
Defendant-Appellant.
-----X

Appeals having been taken from the judgment of the Supreme Court, New York County, rendered on or about September 17, 2007 and from the judgment of resentence of the Supreme Court, New York County, rendered on or about May 8, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated August 6, 2009, and due deliberation having been had thereon,

It is ordered that the appeals 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 24, 2009.

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

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

Respondent,

-against-

Robert J. Laws,

Defendant-Appellant.
-----X

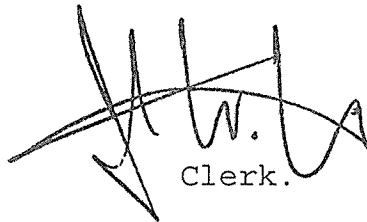
M-3939
Ind. Nos. 2768/07
2769/07

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about October 2, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated July 31, 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 24, 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

Ashley M., and Alyssa M.,

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

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

M-4000
Docket Nos. NA-16523/09
NA-16524/09

Hope M., and Danford M.,
Respondents,
- - - - -

Michael Scherz, Esq.,
Lawyers For Children,
Law Guardian for the Children.

-----X

An appeal having been taken from an order of the Family Court, New York County, entered on or about April 17, 2009,

And, an order of this Court having been entered April 20, 2009, staying release of the subject children pending hearing and determination of the appeal,

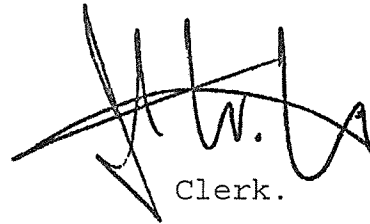
And petitioner-appellant New York City Administration for Children's Services having moved to withdraw the aforesaid appeal,

September 24, 2009

Now, upon reading and filing the correspondence from Norman Corenthal, Esq., attorney for appellant New York City Administration for Children's Services, dated August 26, 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 correspondence. The interim relief granted by an order of a Justice of this Court, dated April 20, 2009, is hereby 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 24, 2009.

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

-----X
Robert J. Coords, as Administrator
of the Estate of Michael Patrick
Coords, an infant under the age of
fourteen years and as the Parent
and Natural Guardian of Robert
Patrick Coords, an infant under
the age of fourteen years and
Kathleen M. Coords,
Plaintiffs- Respondent,

M-3931
Index No. 13231/05

-against-

Astra Transportation Corp. and
David Hines,
Defendants-Appellants.

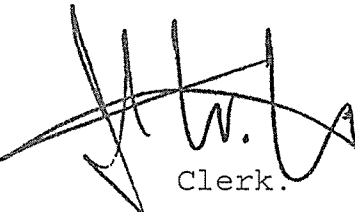
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about February 3, 2009,

Now, upon reading and filing the stipulation of the parties hereto, dated August 18, 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 24, 2009.

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

-----X
Brian Gerlach,

Plaintiff-Appellant,

-against-

M-3950
Index No. 303046/07

The Metropolitan Transportation
Authority & Metro-North Commuter
Railroad,

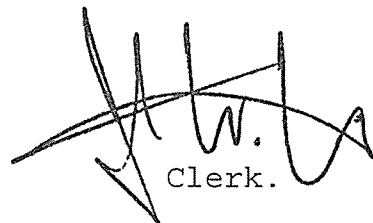
Defendants-Respondents.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 25, 2008,

Now, upon reading and filing the stipulation of the parties hereto, filed August 24, 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 24, 2009.

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

-----X
Iris Contreras by Guardian Ad Litem
Matea Contreras and Matea Contreras
Ind.,
Plaintiffs-Respondents,

-against-

M-3964
Index No. 6911/05

LaSalle Bus Company, also known as
Jofaz Transportation Corporation,
et al.,
Defendants-Appellants.

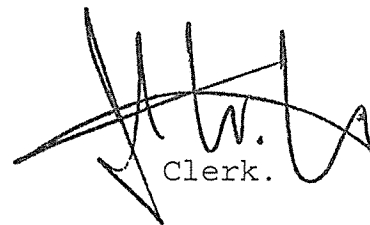
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about October 16, 2008,

Now, upon reading and filing the stipulation of the parties hereto, filed August 26, 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 24, 2009.

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

-----X
Abraham Burgos,
Plaintiff-Respondent,

-against-

A&Z Jewelry & Electronics, Inc.,
Defendant-Appellant,

M-3937
Index No. 25198/05

Hempstead Heights Associates, LLC,
Defendant-Respondent,

Carlos Henriques, doing business as
CH Signs Awning, etc., et al.,
Defendants.

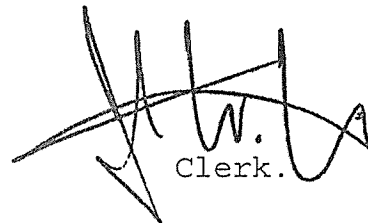
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about December 1, 2008,

Now, upon reading and filing the stipulation of the parties hereto, filed August 26, 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 24, 2009.

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

-----X
David Capato,

Plaintiff-Appellant,

-against-

M-3945
Index No. 117265/06

125th & Lenox LLC, et al.,

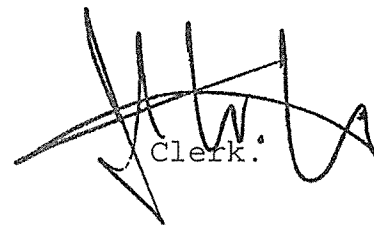
Defendants-Respondents.
-----X

Appeals having been taken from the orders of the Supreme Court, New York County, entered on or about July 7, 2008 (mot. seq. no. 001) and January 12, 2009 (mot. seq. no. 002), respectively,

Now, upon reading and filing the stipulation of the parties hereto, filed August 26, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 2009.

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

-----X
Stephen Lotito,
Plaintiff-Respondent,

-against-

M-3693
Index No. 13594/07

Time, Inc.,
Defendant-Appellant,

Preferred Plumbing, Inc.,
Americon Construction Inc. and
United Rentals, Inc.,
Defendants.

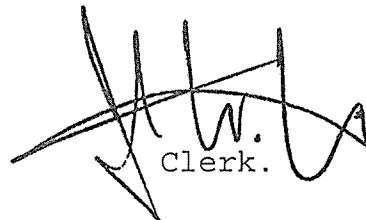
-----X
(And a third-party action)
-----X

Defendant-appellant Time, Inc. having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, Bronx County, entered on or about July 18, 2008,

Now, upon reading and filing the correspondence from appellant's counsel filed August 28, 2009, and due deliberation having been had thereon,

It is ordered that the motion 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 24, 2009.

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

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

-against-

M-3588
Ind. No. 127/98

Juan Carlos Torres, also known as
Juan C. Torres, also known as
Juan Torres,
Defendant.

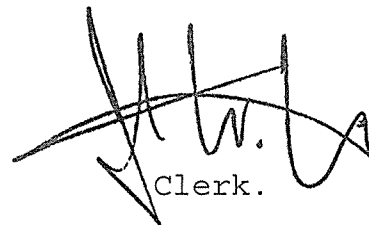
-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, a purported appeal from an order of the Supreme Court, New York County, entered on or about March 27, 2009 (incorrectly denominated a judgment), 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 dismissed, the aforesaid order not being appealable as of right pursuant to CPL 450.10.

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 24, 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

Louie M.,

A Person Alleged to Be a Juvenile
Delinquent,

M-2656A
Docket No. D-20591/08

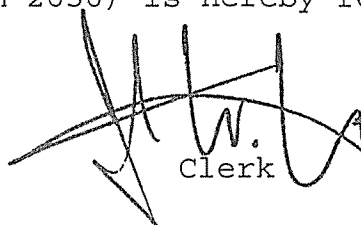
Respondent-Appellant.
-----X

Respondent-appellant having moved for leave to prosecute the appeal from an order of the Family Court, Bronx County, entered on or about May 4, 2009, as a poor person, for assignment of counsel, a free copy of the transcript, and for related relief,

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

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Section 35 of the Judiciary Law and Section 1120 of the Family Court Act, Frederic P. Schneider, Esq., 40 Wall Street, 28th Floor, New York, New York 10005, Telephone No. 646-512-5730, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the State of New York from funds available therefor;¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. The order of this Court entered on September 15, 2009 (M-2656) is hereby recalled and vacated.

ENTER:


Clerk

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

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on September 24, 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-3757
Ind. No. 4705/08

Carlos Reyes,
Defendant-Appellant.

-----X

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

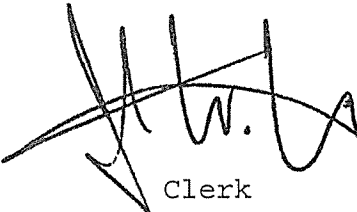
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 24, 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-3759
Ind. No. 2733/09

Kennedy Howe,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 17, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,


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

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

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

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 24, 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-3761
Ind. No. 4129/08

Timothy Tate,
Defendant-Appellant.

-----X

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

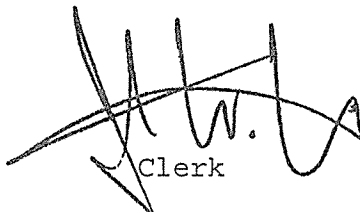
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

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 24, 2009.

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

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

-against-

M-3473
Ind. No. 3858/08

Mustafa Fagan,
Defendant-Appellant.

-----X

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from a judgment of the Supreme Court, New York County, rendered on or about May 20, 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 pay the fee of trial counsel Melvin Reiss, Esq., 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 24, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. McGuire
Karla Moskowitz
Helen E. Freedman, Justices.

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

-against-

M-3630
Ind. No. 2356/07

Anthony Hansen, also known as
Anthony A. Hansen,
Defendant-Appellant.

-----X

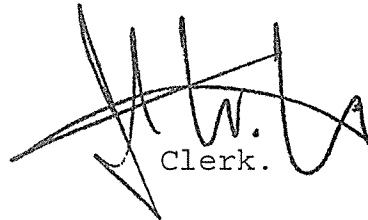
An appeal having been taken to this Court by defendant from a the judgment of the Supreme Court, New York County, rendered on or about December 12, 2007,

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

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, in compliance with CPLR 1101(a), setting forth the terms of defendant's retainer agreement with trial counsel, A. Stoll, 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 24, 2009.

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

-----X
Vivian C. Dickens, as Executrix of
the Estate of Felix Murray and as
Successor-in-interest of Ena Murray,
deceased,
Plaintiff-Appellant,

-against-

M-3837
Index No. 116105/97

Lloyd Mathis, also known as Anthony
Mattis, also known as Lloyd Anthony
Mateis, Lloyd Mattis, Cassandra
Brockington and Marcus Brockington,
Defendants-Respondents.

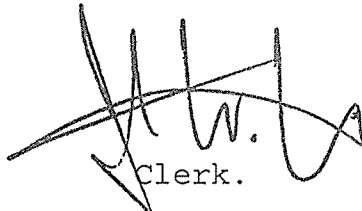
-----X

Defendants-respondents having moved for dismissal of the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about February 9, 2009,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from appellant's counsel, Ronald P. Hart, Esq., dated August 24, 2009, 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 24, 2009.

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

-----X
HSBC Bank USA, National Association,
Plaintiff-Respondent,

-against-

M-3173
Index No. 112086/06

Sahar USA Inc.,
Defendant-Appellant.

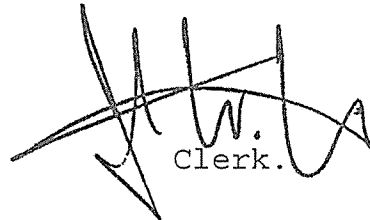
-----X

Plaintiff-respondent having moved for dismissal of the appeal taken from the order of the Supreme Court, New York County, entered on or about December 18, 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 September 24, 2009.

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

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

Shae Tylasia I. M.,

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

- - - - -
The New York Foundling Hospital,
Petitioner-Respondent,

Lisa Anne G.,
Respondent-Appellant.

M-3572
Docket No. B26239/04

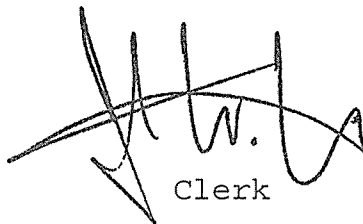
- - - - -
Paul Sweeney, Esq.,
Law Guardian for the Child.

-----X
Petitioner-respondent having moved for dismissal of the appeal taken from an order of the Family Court, Bronx County, entered on or about April 9, 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 denied, with leave to renew, upon proof of service of the moving papers upon respondent's retained counsel in Family Court, Steven Candela, Esq.

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 24, 2009.

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

-----X
Edeline Augustin,
Plaintiff-Appellant,

-against-

M-3602
Ind. No. 66800/85

Nerva Augustin,
Defendant-Respondent.

-----X

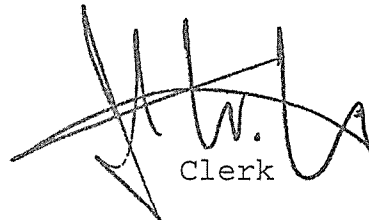
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 13, 2009,

And defendant-respondent having moved 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 and, sua sponte, plaintiff is directed to expeditiously file with this Court a preargument statement with proof of service thereof upon defendant-respondent.

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 24, 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 a Proceeding for
Custody and/or Visitation Under
Article 6 of the Family Court Act.

Julia C.,
Petitioner-Appellant,

M-3405
Docket Nos. V4701/06
V4773/06

-against-

Phoebe L. and Ramashakti Sing L.,
Respondents-Respondents.

Kirstin Kimmel, Esq., Lawyers for
Children, Inc.,
Law Guardian for the Child.
-----X

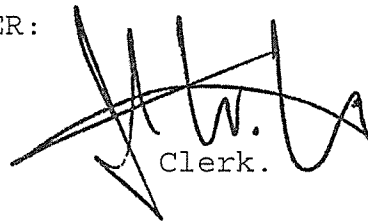
Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about May 6, 2008, and for assignment of counsel, a free copy of the transcript, and related relief,

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, Steven N. Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, New York 10601, Telephone No. 914-949-8214, 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. Sua Sponte the time in which to perfect said appeal is enlarged to the January 2010 Term.

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 24, 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 Whitfield,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

M-3632
Index No. 401458/08

-against-

Stephen J. Morello, etc.,
Respondent-Respondent.

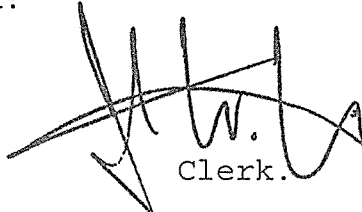
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about May 27, 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 other relief,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 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

Terrence Boddie,
Petitioner-Appellant,

M-3645
Index No. 402669/08

For a Judgment, etc.,

-against-

The New York State Division of Housing
and Community Renewal,
Respondents-Respondents.

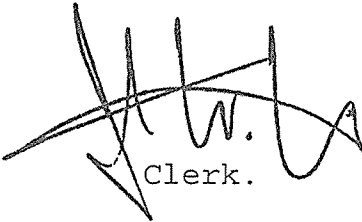
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, entered on or about June 30, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for the 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 granted to the extent of permitting the appeal to be heard upon the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. So much of the motion which seeks the assignment of counsel 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 24, 2009.

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

-----X
Bridget G. Brennan, Special Narcotics
Prosecutor for the City of New York,
Plaintiff-Respondent,

-against-

M-3641
Index No. 402109/08

Juan Batista,
Defendant-Appellant.

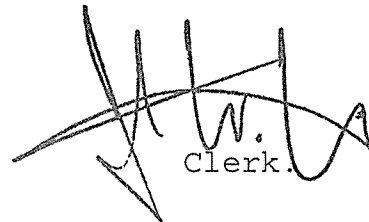
-----X

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

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), addressing the issue whether the appeal was timely taken pursuant to CPLR 5513[a], and setting forth facts sufficient to establish the merits of 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 24, 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. Walter Grant,

Petitioner-Appellant,

-against-

M-3657
Index No. 401479/09

Susan A. Connel, Superintendent of
Oneida Correctional Facility,

Respondent-Respondent.

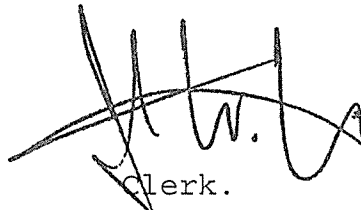
-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about July 16, 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,

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), addressing whether petitioner was assigned counsel by the Supreme Court, and including a statement of facts so as to ascertain the merits of 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 24, 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-3688
Ind. No. 453/94

Raul Castillo,

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 May 5, 1995, 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), including the amount and sources of his income and listing his property with its value, and a statement as of the amount and sources of the funds utilized for retained counsel Lawrence Pruzansky, Esq., 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 24, 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. Ronald Faulk,
Petitioner,

-against-

M-3644
Ind. No. 340159/09

Warden, Rikers Island Correctional
Facility, New York State Division
of Parole and New York State Department
of Correctional Services,
Respondents.

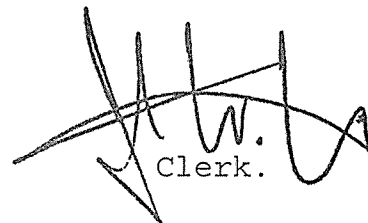
-----X

Petitioner having moved for leave to prosecute, as a poor person, the appeal from an order of the Supreme Court, New York County, entered on or about May 15, 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.

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 24, 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

International Union of Elevator
Constructors Local No., et al.,
Petitioners,

M-3281
Index No. 11072/08

For a Judgment, etc.,

-against-

William C. Thompson, Jr., etc., et al.,
Respondents.

-----X

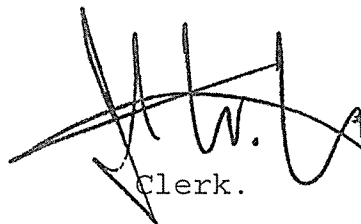
Orders of the Supreme Court, New York County, having been entered on or about March 2, 2009 and June 11, 2009, respectively,

And respondents having moved for leave to appeal to this Court from the aforesaid orders,

Now, upon reading and filing the papers with respect to the motion, and the stipulation of the parties filed September 2, 2009, and due deliberation having been had thereon, it is

Ordered that the motion is deemed withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 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-

Alphonso Simmons,
Defendant-Appellant.

M-3610
Ind. Nos. 1467/06
4463/06

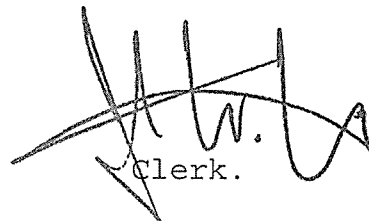
-----X

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 September 19, 2006, 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 24, 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

Annette Brown,

Petitioner-Respondent,

For a Judgment, etc.,

-against-

M-3887

Index No. 401918/08

Tino Hernandez, as Chairman of the
New York City Housing Authority,
and the New York City Housing
Authority,

Respondents-Appellants,

First Atlantic Terminal Housing
Corporation,

Respondents.

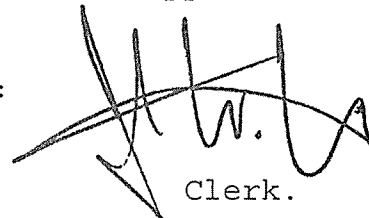
-----X

Respondents-appellants having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about November 10, 2008,

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

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on September 24, 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

Windsor Owners Corp.,
Petitioner-Appellant,

M-3358
M-3564

For a Judgment Pursuant to Article 78
and Rule 3001 of the New York Civil
Practice Law and Rules,

Index No. 105671/08

-against-

The City Council of the City of New
York, The New York City Planning
Commission, East River Realty
Company and Sheldon H. Solow,
Respondents-Respondents.

-----x

Appeals having been taken to this Court by petitioner-appellant from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about January 16, 2009 (mot. seq. nos. 001-005) and the order and judgment (one paper) of said Court entered on April 1, 2009 (mot seq. nos. 006 and 007), respectively,

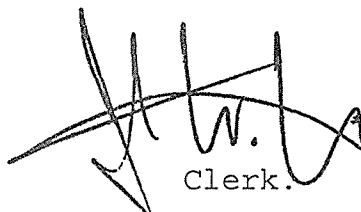
And respondent East River Realty Company having moved to dismiss the aforesaid appeals or in the alternative for consolidation of the said appeals and related relief (M-3358),

And petitioner-appellant having cross-moved for an enlargement of time in which to perfect the aforesaid appeals and to enlarge the record on appeal to include certain transcripts of tapes previously unavailable to petitioner (M-3564),

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 appellant 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 February 2010 Term, without prejudice to respondent addressing the issues presented on the motion to dismiss in the responding brief (M-3358). The cross-motion is granted to the extent of enlarging the time in which to perfect the consolidated appeals as indicated without prejudice to further proceedings in the Supreme Court including seeking production of certain materials from respondents (M-3564).

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 24, 2009.

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

-----X
Anna Bialobroda,
Plaintiff-Appellant,

-against-

M-3780
Index No. 117701/05

Joel Mirer, et al.,
Defendants-Respondents.

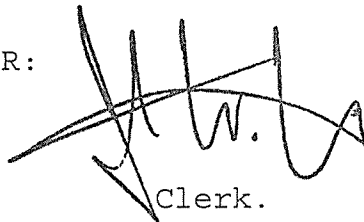
-----X

Plaintiff-appellant having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about October 30, 2008 (mot. seq. no. 006) and April 16, 2009 (mot. seq. no. 009) respectively, and for an enlargement of time in which to perfect the appeals and for and enlargement of the record on 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 permitting appellant to prosecute the appeals upon 10 copies of one record and of one set of appellant's points covering the appeals and directing that the consolidated appeals be perfected for the April 2010 Term, with no further enlargements to be granted. 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 24, 2009.

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

-----X
Anwar Barrett-Bell, an infant by his mother and natural guardian Crystal Barrett, and Crystal Barrett, Individually,
Plaintiffs,

-and-

M-3769
Index No. 15122/05

Stanley Bell,
Plaintiff-Respondent,

-against-

Iris Cab Corp. and Ranouk Doole,
Defendants,

-and-

Iris Cesar Mendoza and Jose L. Mario,
Defendants-Appellants.

-----X

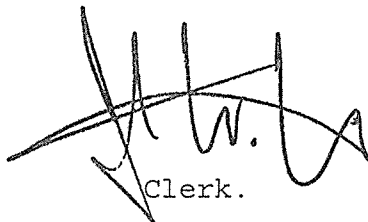
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about January 8, 2009, and said appeal having been perfected,

And plaintiff-respondent having moved for leave to supplement the record on appeal to include multiple transcripts and orders of the trial court, for an enlargement of time in which to file a respondent's brief, and for related relief,

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

Ordered that the motion is granted only to the extent of adjourning the appeal to the November 2009 Term, 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 24, 2009.

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

-----X
AJW Partners, LLC, AJW Offshore,
Ltd, AJW Qualified Partners, LLC,
New Millenium Capital Partners II,
LLC and AJW Master Fund, Ltd.,
Plaintiffs-Respondents,

-against-

M-3728
Index No. 602987/08

Itronics Inc., Whitney & Whitney,
Inc., Itronics Metallurgical, Inc.,
Itronics California, Inc., American
Hydromet, Nevada Hydrometallurgical
Project and Itronics Gold'n Minerals,
Inc.,
Defendants-Appellants.

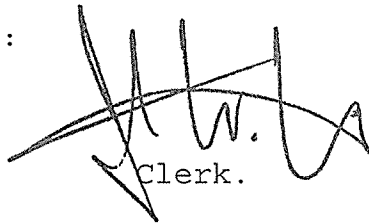
-----X

Defendants-appellants having moved for a stay of all proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about July 30, 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 24, 2009.

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

-----X
John Barone,
Petitioner-Appellant,

-against-

M-3433
Ind. No. Unknown
Appeal No. 25308

Hon. Benjamin Ward, et al.,
Respondents-Respondents.

-----X
John Barone,
Petitioner,

-against-

Appeal No. 26754

Hon. Benjamin Ward, et al.,
Respondent.

-----X

An order of this Court having been entered on December 17, 1985 (Appeal No. 25308 JS JC SHA BK EHR 115 AD2nd 1023) affirming the judgment of the Supreme Court, New York County (Saxe, J.) entered October 26, 1984 rescinding a prior order of that Court dated September 21, 1984 and dismissing petitioner's Article 78 proceeding,

And an order of this Court having been entered on May 8, 1986 (Appeal No. 26754 LS DR SHA ALF BK 120 AD2nd 992) confirming the determination of respondent Police Commissioner which found petitioner guilty of eight (8) of nine (9) disciplinary charges and terminated petitioner's employment,

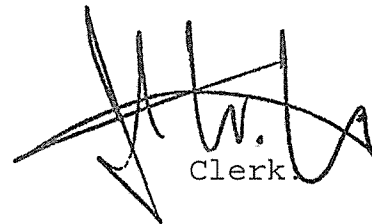
And an order of this Court having been entered on October 5, 1989 (M-4880 JS JC SHA BK EHR), inter alia, denying petitioner's motion to vacate the order of this Court entered on December 17, 1985 (Appeal No. 25308) affirming the judgment of the Supreme Court, New York County, entered on October 26, 1984,

And petitioner having moved this Court on August 24, 2009 for an order to "resettle the record, by reissuing its order vacating the dismissal of my appeal and ordering a new hearing before the police department hearing officer." 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.

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

BEFORE: Hon. John W. Sweeny, Jr.
Justice of the Appellate Division

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

M-3608
Ind. Nos. 2383/95,
3548/95

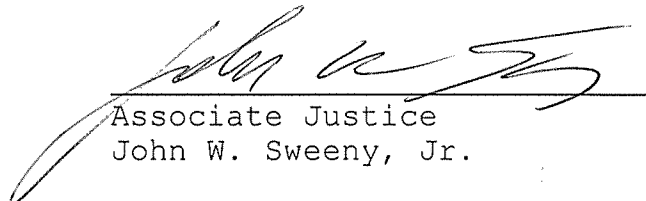
-against-

CERTIFICATE
DENYING LEAVE

Robert Rumph,
Defendant.

-----X

I, John W. Sweeny, Jr., 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 (Daniel P. Conviser, J.), entered on or about June 15, 2009, is hereby denied.



Associate Justice
John W. Sweeny, Jr.

Dated: September 14, 2009
New York, New York

ENTERED: SEP 24 2009

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

BEFORE: Hon. Karla Moskowitz
Justice of the Appellate Division

-----x

The People of the State of New York,

Respondent,

M- 4240

Ind. No. 098/2006

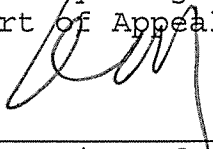
-against-

CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

Paris Simmons, Defendant-Appellant.
-----x

I, Justice Karla Moskowitz, a Justice of the Appellate Division, Supreme Court, First Department, do hereby certify that in the record and proceedings herein* questions of law are involved which ought to be reviewed by the Court of Appeals and pursuant to CPL 460.20, it is

ORDERED that permission hereby is granted to the above-named appellant to appeal to the Court of Appeals.



Justice of the Appellate Division

Dated: September 17, 2009
New York, New York

ENTERED: SEP 24 2009

*Description of Order:

Supreme Court, New York County, (Edwin Torres J.) rendered February 27, 2007. App. Div., First Dept., Appeal No. 5360, affirmed (3-2) on August 4, 2009.

Notice: Within 10 days from the issuance of this certificate, a preliminary appeal statement must be filed with the Clerk of the Court of Appeals pursuant to Rule 500.9 of the Court of Appeals Rules.

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 - 2255
Ind. No. 4847/03

-against-


CERTIFICATE
DENYING LEAVE

Robert Washko,

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 orders of the Supreme Court, Bronx County, entered on or about March 4, 2009 (CPL 440.10 Motion), March 27, 2009 (Reargument Motion), and April 24, 2009 (Supplemental Reargument Motion), is hereby denied.



Hon. Rolando T. Acosta
Associate Justice

Dated: September 1, 2009
New York, New York

ENTERED: SEP 24 2009

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

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

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

M - 3617
Indictment. No. 2404/06

-against-


CERTIFICATE
DENYING LEAVE

RODNEY MCNEIL,

Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to the Criminal Procedure Law §§ 450.15 & 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 1, 2009 is hereby denied.



Hon. Helen E. Freedman
Associate Justice

Dated: September 14, 2009
New York, New York

ENTERED: SEP 24 2009

PM ORDERS

ENTERED

SEPTEMBER 22, 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 22, 2009.

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

-----X
Ashly Garcia, an Infant by her Mother
and Natural Guardian, Denis Diaz, and
Denis Diaz, Individually,
Plaintiffs-Respondents,

M-3988
Index No. 102548/07

-against-

Prana Growth Fund I, L.P., et al.,
Defendants-Respondents,

Broadway Towers Associates, LLC and
Milbrook Properties, Ltd.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 20, 2009 (mot. seq. no. 001),

And defendants-appellants 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 September 22, 2009.

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

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

Joseph Ben-Meir,
Petitioner-Appellant,

M-3646
Index No. 112615/08

For an order Pursuant to Article 75
of the CPLR Vacating an Arbitration
Award,

-against-

Beth Din of America,
Respondent-Respondent.

-----X

Petitioner-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County, entered on or about December 29, 2008 (mot. seq. no. 001), for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect said appeal, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


Clerk.