

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Howard Brett Berger and Professional
Traders Management LLC,
Plaintiffs-Appellants,

-against-

M-1893X
Index No. 603536/06

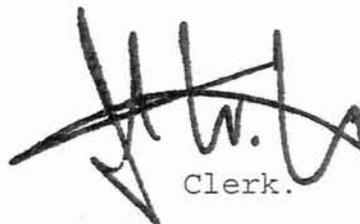
Carter, Ledyard & Milburn, LLP and
Ira Lee Sorkin,
Defendants-Respondents.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about September 12, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 9, 2008, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 April 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
David Mansaray,

Plaintiff-Respondent-Appellant,

-against-

M-1885X
Index No. 6574/04

Denise Gentile, As Administratrix of
The Estate of Salvatore Gentile, et al.,

Defendants-Appellants-Respondents.

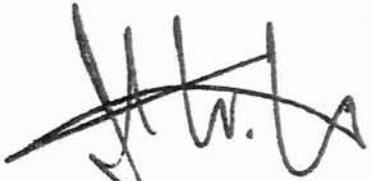
-----X

An appeal and cross appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about September 26, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 8, 2008, 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It is ordered that the appeal and cross appeal are withdrawn in accordance with the aforesaid stipulation.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 April 24, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

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

Respondent,

M-1380

-against-

Ind. No. 313/07

Noel Cortez,

Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 17, 2007,

And an order of this Court having been entered on January 31, 2008 (M-167), granting poor person relief and assigning Steven Banks, Esq., as counsel on the appeal,

And defendant having moved pro se to withdraw the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from defendant's counsel dated April 4, 2008, 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 April 24, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Milton L. Williams
Rolando T. Acosta, Justices.

-----X
The People of the State of New York
ex rel. Alexis Ampudia, also known as
Alexis Ampudia, Jr.,

Petitioner,

-against-

M-1692
Ind. No. 2147/07

The Warden, Rikers Island Correctional Facility,

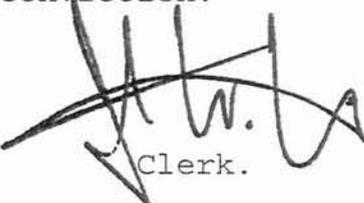
Respondent.
-----X

The above-named petitioner having moved for, inter alia, a writ of habeas corpus to be issued from this Court,

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

It is ordered that the motion is denied and the application dismissed, without prejudice to petitioner addressing the issue in a direct appeal from any judgment of conviction.

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 April 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Milton W. Williams
Rolando T. Acosta, Justices.

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

Alfred Dawkins,
Petitioner,

For a Judgment Pursuant to Article
78 of the CPLR,

M-1471
Index No. 400416/06

-against-

New York City Housing Authority,
Defendant.

-----X

An Article 78 proceeding having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about October 2, 2006, (mot. seq. no. 001) to review a determination of New York City Housing Authority terminating petitioner's tenancy,

And petitioner having moved for leave to prosecute the proceeding as a poor person, upon the original record and reproduced petitioner's 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 denied and sua sponte the proceeding is dismissed.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Milton L. Williams
Rolando T. Acosta, Justices.

-----X
Henry McKenzie,

Plaintiff-Appellant,

-against-

New York City Police Department,

Defendant-Respondent.
-----X

M-1429
Index No. 400517/06

Plaintiff-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 September 20, 2006, 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 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 April 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Milton W. Williams
Rolando T. Acosta, Justices.

-----X
Kaye Scholer LLP,
Plaintiff-Respondent,

-against-

Craig F. Knight,
Defendant-Appellant.
-----X

M-1557
Index No. 601938/07

Plaintiff-respondent having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about October 17, 2007 (mot seq. no. 001),

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

It is ordered that the motion is granted 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 April 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Milton W. Williams
Rolando T. Acosta, Justices.

-----X
Steven A. Zagoria,
Plaintiff-Respondent-Appellant,

-against-

M-1512
Index No. 117768/03

York Specialty Foods, Inc.,
doing business as Oscar's
on York,
Defendant-Appellant-Respondent.

-----X

An appeal and cross appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about October 31, 2006,

And an order of this Court having been entered on November 30, 2007 (M-5584/M6228) enlarging the time of the parties in which to perfect the appeal and cross appeal,

And plaintiff having moved for an enlargement of time in which to allow further contemplation with respect to the perfection of the appeal and cross 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 the aforesaid appeal and cross appeal are 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 April 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
Eugene Nardelli
John W. Sweeny, Jr., Justices.

-----X
Ponce De Leon Federal Bank,

Plaintiff-Respondent,

-against-

Andrea C. Adovasio,

Defendant-Appellant.
-----X

M-846
M-859
Index Nos. 6515/06
11301/07

Plaintiff-respondent having moved by separate motions to dismiss the appeals taken from the orders of the Supreme Court, Westchester County, entered on or about December 6, 2006 and January 25, 2007, (West. Co. Index No. 6515/06), and August 22, 2007 (West. Co. Index No. 11301/07),

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 appeals are 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 April 24, 2008.

PRESENT - Hon. Jonathan Lippman, 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-1707
Ind. No. 3380/06

Enrique Cabrera,
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 April 19, 2007, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

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

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

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

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

-against-

M-1711
Ind. No. 1437/07

Jimmy Hogans, also known as
Jimmy L. Hogans,
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 March 12, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

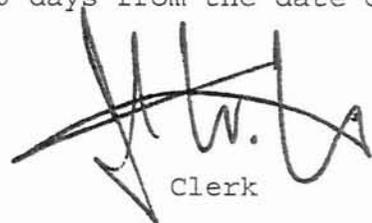
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

PRESENT - Hon. Jonathan Lippman, 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-1714
Ind. No. 2320/07

Heward Velez,
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 March 12, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

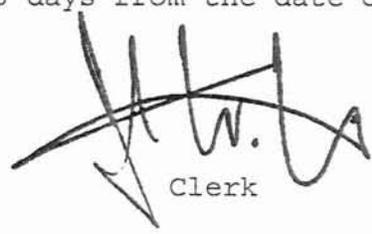
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

PRESENT - Hon. Jonathan Lippman, 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-1722
Ind. No. 4489/07

Carlos Reyes,
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 March 19, 2008, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

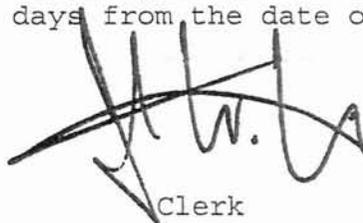
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

Richard M. Greenberg, Esq., Office of the Appellate Defender, 11 Park Place, Room 1601, New York, New York 10007, Telephone No. 212-402-4100, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
Milton L. Williams
James M. McGuire, Justices.

-----X
In the Matter of

Margarita O.,

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

M-783
Docket No. B-9262/06

Edwin Gould Services For Children and Families, et al.,
Petitioners-Respondents,

William O.,
Respondent-Appellant.

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

-----X

Respondent-appellant 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 October 25, 2007, 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 denied, with leave to renew upon submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth facts sufficient to establish that appellant has no funds or assets with which to prosecute appeal, and a statement indicating why the appeal should not be dismissed as taken from an order entered upon respondent's default.

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 April 24, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Milton L. Williams
Rolando T. Acosta, Justices.

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

Respondent,

-against-

M-1454
Ind. No. 1768/05

Francisco Velasquez,

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 February 26, 2008, 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 notice of appeal is deemed timely.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101(a), setting forth the amount and sources to pay the fee of trial counsel, Jorge Guttlein, Esq., and to post the \$5,000 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 April 24, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. McGuire, Justices.

-----X
Jorge Caceres,
Plaintiff-Respondent,

-against-

Ciampa Organization, et al.,
Defendants,

M-663
Index No. 28473/03

Ciampa Jamaica, LLC, et al.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for reargument of the decision and order of this Court entered on January 8, 2008 (Appeal No. 2500),

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

It is ordered that the motion is denied.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Milton L. Williams
James M. Catterson, Justices.

-----X
Gerard Miglionico,
Plaintiff-Respondent,

-against-

M-924
Index No. 104786/03

Bovis Lend Lease, Inc., et al.,
Defendants-Appellants.
-----X

Defendants-appellants having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on January 31, 2008 (Appeal No. 2411), and for a stay of proceedings pending hearing and determination of the aforesaid appeal from the Court of Appeals, and for related relief,

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

It is ordered that the motion is denied.

E N T E R:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzairelli
David Friedman
John T. Buckley, Justices.

-----X
Elhadi Elsheik Mohamed, et al.,
Plaintiffs-Appellants,

-against-

Larry Defrin, et al.,
Defendants-Respondents,

M-1100
M-1328
Index No. 880/06

Christoforos Blanis,
Defendant-Appellant,

Don Auto Glass, Inc., et al.,
Defendants.

-----X

Plaintiffs-appellants and defendant-appellant having moved by separate motions for reargument of or, in the alternative, leave to appeal to the Court of Appeals from the decision and order of this Court entered on November 1, 2007 (Appeal No. 1891),

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 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 April 24, 2008.

Present: Hon. Jonathan Lippman, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz, Justices.

-----X
Clark Construction Corporation,

Plaintiff-Respondent,

Marc E. Elliot and Savas Tsitiridis,

M-812

Plaintiffs,

Index No. 122662/00

-against-

BLF Realty Holding Corp., et al.,

Defendants-Appellants.
-----X

Defendants-appellants having moved for an order staying the trial in the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about January 24, 2008 (mot. seq. no. 018),

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 April 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Luis A. Gonzalez
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Jodi Pion, also known as Jodi
Pion-Drucker and Robert Drucker,
Plaintiffs,

-against-

M-1800
Index No. 113622/07

Southbridge Towers, Inc., et al.,
Respondents.

-----X

Plaintiffs having moved pursuant to CPLR 5704(a) for certain relief denied by order of a Justice of the Supreme Court, New York County, on or about April 2, 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.

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 April 24, 2008.

Present - Hon. Jonathan Lippman, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz, Justices.

-----X
Aldoro Inc.,

Plaintiff-Appellant,

-against-

M-1574
Index No. 604044/06

Gold Force International Ltd., now
known as GF Int'l Holding, Inc.,
et al.,

Defendants-Respondents.

-----X

An appeal having been taken to this Court by plaintiff from the order of the Supreme Court, New York County, entered on or about November 28, 2007, and said appeal having been perfected,

And plaintiff-appellant having moved for a stay of proceedings in Supreme Court, pending hearing and determination of the aforesaid appeal,

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

It is ordered that the motion is granted.

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 April 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
David Friedman
John W. Sweeny, Jr.
Karla Moskowitz, Justices.

-----X
John R. Carl,
Plaintiff-Appellant,

-against-

M-1725
M-1801
Index No. 117043/06

Joel Cohen, Esq.,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 18, 2007 (mot. seq. no. 003),

And defendant-respondent having moved for an order striking plaintiff-appellant's brief, for dismissal of the aforesaid appeal, and for the imposition of costs and attorneys fees (M-1725),

And plaintiff-appellant having cross-moved for permission to file an amended brief (M-1801),

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

Ordered that the motion (M-1725) and the cross motion (M-1801) are granted to the extent of striking appellant's brief with leave to appellant to re-file for the September 2008 Term a brief which does not refer to matters and documents dehors the record. The motion (M-1725) is otherwise denied. The Clerk is directed to accept the filing without further fee.

ENTER:


Clerk.

55

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
David B. Saxe
Luis A. Gonzalez
Eugene Nardelli, Justices.

-----X

The People of the State of New York,

-against-

M-1406
Ind. No. 3234/03

Norman Gary,

Defendant.

-----X

Defendant having moved for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about November 18, 2003, 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. (CPL 460.30 subd 1).

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on April 24, 2008.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Eugene Nardelli
Milton L. Williams, Justices.

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

-against-

M-1018
Ind. No. 4139/06

Keke Cuffee,
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 January 22, 2008, 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 April 24, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
John W. Sweeny, Jr., Justices.

-----X
In the Matter of

Sebastian D, also known as Sebastian M.;
Delia Luz M.; Baby Boy M., also known as
Stephan Arckel M.,

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

Harlem Dowling-Westside Center for
Children and Family Services, et al.,
Petitioners-Respondents,

M-716
Docket Nos. B-14140/02
B-14142/03
B-14139/03

Lizette M.,
Respondent-Appellant.

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

Respondent-appellant mother having moved for leave to prosecute, as a poor person, the appeals from the orders of the Family Court, New York County, all entered on or about July 19, 2007, 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, Susan Jacobs, Esq., Center for Family Representation, 116 John Street, 19th Floor New York, NY 10038,

Telephone No. (212)691-0950, as counsel, for purposes of prosecuting of New York from funds available therefor; (3) permitting appellant to the appeals; (2) directing the Clerk of said Family Court to have transcribed within 60 days of service of a copy of this order upon the Clerk, the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect the appeals until 120 days from the date of filing of the record. Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court.

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 April 24, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzairelli
Milton L. Williams
John W. Sweeny, Jr., Justices.

-----X
Steven Rosenfeld,

Plaintiff-Appellant,

M-1556

-against-

Index No. 21408/06

Centurion Properties, Inc., et al.,

Defendants-Respondents.
-----X

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

And plaintiff having moved to stay cancellation of the notice of pendency, 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 and the interim relief granted by an order of a Justice of this Court dated March 19, 2008 is 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 April 24, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Eugene Nardelli
Milton L. Williams
James M. McGuire, Justices.

-----X
In the Matter of a Proceeding Under
Article 6 of the Family Court Act.

Gregory L. C.,
Petitioner-Appellant,

M-187 & M-478
Docket No. V7409/07

-against-

Nyree S.,
Respondent-Respondent.

Teresa Grogan, Esq.,
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, Bronx County, entered on or about December 3, 2007, and for assignment of counsel, a free copy of the transcript, and related relief (M-187),

And Teresa Grogan, Esq., Law Guardian for the child, Hector C.S., having cross-moved to dismiss the aforesaid appeal to the extent that the appeal purports to be on behalf of the subject child, and for related relief, (M-478),

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

April 24, 2008

Ordered that the motion for poor person relief 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, NY 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 within 60 days of service of a copy of this order upon the Clerk**, 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; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) enlarging the time to perfect this appeal until 120 days from the date of filing of the record. **Assigned counsel is directed to immediately subpoena the record from the Family Court and to serve a copy of this order upon the Clerk of the Family Court**, and it is

Further ordered that the cross motion is granted to the extent of deleting the subject child as a party appellant.

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 April 24, 2008.

Present: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Milton L. Williams
John W. Sweeny, Jr., Justices.

-----X
Peter Kowalchuk, et al.,

Plaintiffs-Respondents,

M-1788

-against-

Index No. 601977/07

Matthew Stroup,

Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about October 17, 2007 (mot. seq. no. 001) and from the judgment of said Court, entered thereon on or about October 26, 2007,

And plaintiffs-respondents having moved for a preference in the hearing of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the affidavit of appellant's counsel dated March 25, 2008, and due deliberation having been had thereon, it is

Ordered that the motion is granted and defendant is directed to perfect the appeal for the September 2008 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 April 24, 2008.

PRESENT - Hon: Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
James M. McGuire
Karla Moskowitz, Justices.

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

-against-

M-1381
Ind. No. 3479/04

Michel Delagarde, also known as
Michael Delagarde,
Defendant.

-----X

An order of this Court having been entered January 23, 2007 (M-6693) dismissing the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about July 13, 2006,

And defendant having moved for an order reinstating 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 April 24, 2008.

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

-----X
445 East 80th Street Tenants
Association,
Petitioner-Respondant,

-against-

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

M-1514
M-1592
Index No. 110259/06

-and-

Clermont York Associates,
Respondent-Appellant.

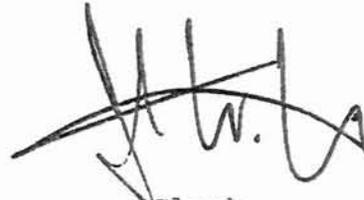
-----X

Respondents-appellants having separately moved (M-1514/M-1592) for an enlargement of time in which to perfect their respective appeals from an order of the Supreme Court, New York County, entered on or about May 25, 2007 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeals to the September 2008 Term. Sua sponte, appellants are granted leave to perfect the appeals upon a joint record for said September 2008 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 April 24, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. Catterson
Rolando T. Acosta, Justices.

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

-against-

M-1218
Ind. No. 2106/03

Fabio Ortiz,
Defendant-Appellant.

-----X

Respondent having moved to dismiss the appeal from the judgment of the Supreme Court, New York County, rendered on or about January 8, 2004,

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.

5

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. Catterson
Rolando T. Acosta, Justices.

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

-against-

M-1499
Ind. No. 5023/06

Renato Cabral, also known as
Cabral Renato,
Defendant-Appellant.

-----x

Defendant having renewed his motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about July 24, 2007, 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 10 reproduced copies of such brief, together with the original record, with this Court.

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

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. Catterson
Rolando T. Acosta, Justices.

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

-against-

M-1347
Ind. No. 2417/06

Julio Tavera,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about September 11, 2007, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

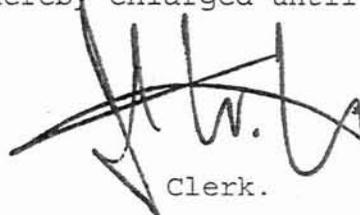
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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 April 24, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Eugene Nardelli
Milton L. Williams
James M. Catterson
Karla Moskowitz, Justices.

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

Lamont Pearson,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR.

M-1704
Index. No. 404132/06

-against-

New York City Housing Authority,
Respondent.

-----X

Petitioner 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 October 25, 2007 (mot. seq. no. 001), 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 as academic, the appeal having been dismissed by the order of this Court entered on January 31, 2008 (M-6614), a copy of which is annexed hereto.

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 April 24, 2008.

Present: Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. Catterson
Rolando T. Acosta, Justices.

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

M-1438
Ind. No. 664/06

-against-
Julio Lugo,
Defendant-Appellant.

-----X

An appeal having been taken from a judgment of the Supreme Court, New York County, entered on or about February 13, 2007,

And defendant having moved for an order directing that the minutes of the pre trial, ex parte, Mapp/Dunaway hearing be unsealed and provided to defendant-appellant's counsel, and for an enlargement of time in which 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 the motion is granted to the extent of enlarging the time in which to perfect the aforesaid appeal to the September 2008 Term. 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 April 24, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
John T. Buckley
James M. Catterson
Rolando T. Acosta, Justices.

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

-against-

M-1388
Ind. No. 2678/04

Luis Soto, also known as Luis M. Soto,
Defendant.

-----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 December 13, 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 denied. (CPL 460.30 subd. 1.)

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

Present - Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
John T. Buckley
James M. Catterson, Justices.

-----x

Ramon Vargas,
Plaintiff-Respondent-Appellant,

M-1568

-against-

Index No. 25842/01

New York City Transit Authority,
Defendant-Respondent-Appellant.

New York City Transit Authority,
Third-Party Plaintiff-Respondent-Appellant,

-against-

Index No. 42033/01

Halmar Builders of New York,
Third-Party Defendant-Appellant-Respondent.

Granite Halmar Construction Company,
Inc., etc.,
Second Third-Party Plaintiff-Appellant-Respondent,

-against-

Grand Mechanical Corp., et al.,
Second Third-Party Defendants-Respondents,

Index No. 83323/03

-and-

Atlantic Rolling Steel Door Corp.,
Second Third-Party Defendant-Respondent-Appellant.

-----x

An appeal and cross appeals having been taken to this Court from the order of the Supreme Court, Bronx County, entered on or about June 12, 2007,

And defendant-appellant Granite Halmar Construction Company, Inc., formerly known as Halmar Builders of New York, Inc., having moved for a stay of trial pending hearing and determination of the aforesaid appeal and cross 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 April 24, 2008.

Present: Hon. Luis A. Gonzalez, Justice Presiding,
Eugene Nardelli
John T. Buckley
James M. Catterson, Justices.

-----X
In the Matter of

Salam M.,

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

M-1377

Docket No. B13164/04

- - - - -
Family Support Systems Unlimited, Inc., et al.,
Petitioners-Respondents,

Ghebretensae M., also known as G-Tensai M.,
Respondent-Appellant.

- - - - -
Melinda Oliver, Esq.,
Law Guardian for the Child.

-----X

Petitioner-respondent Agency having moved for dismissal of the appeal taken from the order of the Family Court, Bronx County, entered on or about April 3, 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 April 24, 2008.

PRESENT - Hon. Luis A. Gonzalez, Justice Presiding,
Eugene Nardelli
John T. Buckley
James M. Catterson, Justices.

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

-against-

M-1181
Ind. No. 1030/04

Juan Osorio,
Defendant-Appellant.
-----X

The People having moved for dismissal of the appeal taken from a judgment of the Supreme Court, New York County, rendered on or about August 3, 2004,

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 April 24, 2008.

Present - Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
Eugene Nardelli
Karla Moskowitz, Justices.

-----x
In the Matter of Stephen J. Mighdoll
(OCA Atty. Reg. No. 1585822),
a disbarred attorney:

Petitioner,

M-785

For Reinstatement to the Bar
of the State of New York,

Departmental Disciplinary Committee
for the First Judicial Department,
Respondent.

-----x

An order of this Court having been entered on October 7, 1997 (M-4290), disbaring petitioner (who was admitted to practice as an attorney and counselor-at-law in the State of New York at a Term of the Appellate Division of the Supreme Court for the Second Judicial Department on January 25, 1978) and striking his name from the roll of attorneys and counselor as law in the State of New York,

And Michael S. Ross, Esq., counsel for petitioner, having presented a petition for reinstatement to this Court on March 31, 2008, and a motion seeking an order pursuant to 22 NYCRR 603.14(e) and 603.14(g), referring the matter of petitioner's application for reinstatement to the Departmental Disciplinary Committee to designate a hearing Panel to conduct a Hearing and issue a report and recommendation to this Court,

And the Departmental Disciplinary Committee for the First Judicial Department, by Alan W. Friedberg, its Chief Counsel (Jun Hwa Lee, of counsel), having submitted an affirmation in opposition to so much of the petition seeking reinstatement and requesting that the matter be referred to the Committee for a hearing and recommendation concerning whether the petitioner meets the standards for reinstatement set forth in 22 NYCRR 603.14(b),

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

Ordered that the petition and motion are granted to the extent of referring this matter, pursuant to 22 NYCRR 603.14(g), to the Committee to designate a Hearing Panel to conduct a hearing, where petitioner will have the burden of establishing by clear and convincing evidence that he has fully complied with the order of disbarment and that he possesses the requisite character and general fitness to resume the practice of law and otherwise meets the standards for reinstatement set out in Section 603.14(b) of the Rules of this Court; and directing petitioner to show cause forthwith before the Hearing Panel, which shall hold a hearing within 90 days from the date of entry hereof and issue a report and recommendation to this Court.

ENTER:

A handwritten signature in black ink, appearing to be "J.W.L.", written over a horizontal line.

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 April 24, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Eugene Nardelli
Milton L. Williams, Justices.

-----X
Amy Fabrikant,

Plaintiff-Respondent,

-against-

M-1886
Index No. 350394/04

Jay Fabrikant,

Defendant-Appellant.

-----X

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

And an order of this Court having been entered April 1, 2008 (M-1149), inter alia, granting defendant-appellant a stay of a scheduled contempt hearing on condition appellant complied with certain turnover provisions and perfected the appeal for the September 2008 Term, as indicated,

And plaintiff-respondent having moved for renewal and/or reargument of the aforesaid order (M-1149),

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

It is ordered that the motion, to the extent it seeks renewal, is granted and, upon renewal, defendant-appellant's motion is denied and the order of this Court entered on April 1, 2008 (M-1149), is herewith recalled and vacated nunc pro tunc to April 1, 2008.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr. Justices.
Karla Moskowitz,

-----x
Cynthia Moore, M-1825
Plaintiff,
-against- Index No. 121535/03

The City of New York, et al.,
Defendants.

Consolidated Edison Company of
New York, Inc.,
Third-Party Plaintiff, Index No. 590434/06
-against-

Felix Industries, Inc., also known as
Felix Equities,
Third-Party Defendant.

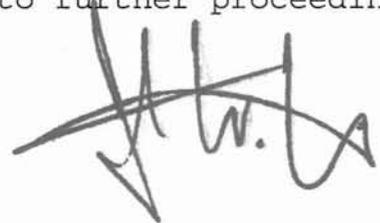
-----x

Third-party defendant having moved, pursuant to CPLR 5704(a), for certain relief declined by a Justice of the Supreme Court, New York County, on or about March 26, 2008,

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

It is ordered that the motion is granted to the extent of continuing the relief afforded third-party defendant by order of a Justice of this Court on April 3, 2008 for 20 days after the date of entry hereof, without prejudice to further proceedings in Supreme Court.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 24, 2008.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
John W. Sweeny, Jr. Justices.
Karla Moskowitz,

-----X
Hotel 71 Mezz Lender LLC,
Plaintiff-Respondent,

-against-

M-1924
Index No. 601175/07

Guy T. Mitchell,
Defendant-Appellant,

Robert D. Falor, et al.,
Defendants.

-----X

Defendant-appellant having moved for an order staying the appointment of a receiver and any further proceedings with respect to the above-entitled action pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 7, 2008 (mot. seq. no. 026),

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 staying the receiver from selling or otherwise disposing of or encumbering defendant's assets without prior leave of this Court on the condition that the appeal is perfected for the September 2008 Term. Appellant is directed to serve a copy of this order with notice of entry upon the receiver within 5 days of the date of entry hereof. 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 appellant and the receiver within 10 days after the date of entry hereof.

ENTER:



Clerk.

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

BEFORE: Karla Moskowitz
Justice of the Appellate Division

-----X

In the Matter of the Application of
Bruce Richards,
Plaintiff,

-against-

M-1831
Index No. 104461/08

Construction and General Building
Laborers Local 79, et al.,
Defendants.

-----X

Plaintiff having moved for leave to appeal to this Court from an order of the Supreme Court, New York County, entered on or about March 26, 2008, 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. So much of the motion which seeks related relief is dismissed, as academic.

Dated: April 14, 2008

Entered: APR 24 2008



Karla Moskowitz
Associate Justice