

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

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

-----X
Illinois National Insurance Company,
Plaintiff-Respondent,

-against-

M-2814X
Index No. 601491/03

Lumbermens Mutual Casualty Company,
Defendant-Appellant.
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 10, 2007,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 2, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 12, 2008.

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

-----X
Chariot Express LLC,
Plaintiff-Appellant,

-against-

John D'Eri and Fred J. Levine,
Defendants-Respondents,

M-2815X
Index No. 110346/06

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" June 2, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 June 12, 2008.

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

-----X
Adela Martinez and Adenan Ripen,
Plaintiffs-Respondents,

-against-

South Beach Car Service, Ltd. and
Eddie Hardy,
Defendants-Appellants,

M-2735
Index No. 101215/06

-and-

Verizon Communications, Inc.,
Verizon Communications Inc.,
Verizon New York Inc. and
Gerard Winters,
Defendants-Respondents.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about January 8, 2008 (mot. seq. no. 002),

And appellant having moved to withdraw the aforesaid appeal,

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

It is ordered that the appeal, previously perfected for the June 2008 Term, 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 June 12, 2008.

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

-----X
Eileen Robert,
Plaintiff-Respondent,

-against-

M-2034X
Index No. 114552/03

Daniel Kohs,
Defendant-Appellant.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about June 22, 2007 (mot. seq. no. 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 16, 2008, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation. (See M-5270, decided simultaneously herewith).

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

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

-----X
Eileen Robert,
Plaintiff-Respondent,

-against-

M-5270
Index No. 114552/03

Daniel Kohs,
Defendant-Appellant.

-----X

Plaintiff-respondent having moved to dismiss the appeal taken from the order of the Supreme Court, New York County, entered on or about June 22, 2007 (mot. seq. no. 006),

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 moot.
(See M-2034X, decided simultaneously herewith).

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

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

-----X
Cadle Company as Assignee of The
First Women's Bank,

Plaintiff-Respondent,

-against-

Court Living Corporation and
Louis V. Greco, Jr.,

M-2410
DC #5
Index No. 4736/89

Defendants.
-----X

An appeal having been taken by plaintiff-respondent from the order of the Supreme Court, Bronx County, entered on or about October 4, 2005,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, 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 June 12, 2008.

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

-----X
Louis Cook,

Plaintiff-Appellant,

-against-

Deloitte & Touche USA, LLP and
Deloitte & Touche LLP,

M-2413
DC #7
Index No. 105819/06

Defendants-Respondents.
-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, New York County, entered on or about August 11, 1006,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, 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 June 12, 2008.

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

-----X
Frederick H. Siemon,

Plaintiff-Appellant,

-against-

Emigrant Savings Bank, Successor in
Interest to Dollar Savings Bank of
New York,

M-2427
DC #21
Index No. 836/06

Defendant-Respondent.
-----X

An appeal having been taken by plaintiff from the order of the Supreme Court, Bronx County, entered on or about August 3, 2006,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and there being no response by counsel and/or appellant,

Now, upon the Court's own motion, 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 June 12, 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-2551
Ind. No. 4401/07

Russell Grier,
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 8, 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 June 12, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Angela M. Mazzarelli
Milton L. Williams
John W. Sweeny, Jr.
Rolando T. Acosta, Justices.

-----X
In the Matter of

Nahajah Lituarrah Lavern K.,

Application for the Guardianship and Custody of a Child Pursuant to §384-b of the Social Services Law,

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

M-2197
Docket No. B2778/04

Tiffany W.,
Respondent-Appellant.

- - - - -
Ava Gutfriend, 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 March 25, 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, Robin Steinberg, Esq., The Bronx Defenders, 860 Courtland Avenue, Bronx, NY 10451, Telephone No. (718)838-7878, 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

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

(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.

ENTER:

A handwritten signature in black ink, appearing to be "J.W.L.", written over a horizontal line. The signature is stylized and somewhat illegible.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Milton W. Williams
Karla Moskowitz
Rolando T. Acosta, Justices.

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

-against-

Murray Stenson,
Defendant-Appellant.

M-2332
Ind. Nos. 2968/07
6143/07

-----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 26, 2008, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

It is ordered that the motion is denied, with leave to renew upon defendant's submission of a detailed notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, Scott M. Schwartz, 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 June 12, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Milton W. Williams
Karla Moskowitz
Rolando T. Acosta, Justices.

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

-against-

M-2392
Ind. No. 7538/89

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

-----X

An order of this Court having been entered on August 16, 2007(M-3537), granting defendant leave to prosecute, as a poor person, the appeal from a judgment of resentence of the Supreme Court, New York County, rendered on or about May 23, 2007, and assigning Steven Banks, Esq., as counsel to prosecute the appeal; and a motion having been made to relieve such counsel, and for related relief,

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

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

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Milton W. Williams
Karla Moskowitz
Rolando T. Acosta, Justices.

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

-against-

M-2375
Ind. No. 5600/04

Kevin Weems, also known as
Jeffrey Banks,
Defendant-Appellant.

-----X

Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with his appeal from the judgment of the Supreme Court, New York County, rendered on or about November 7, 2005, for a copy of the trial transcripts and for an enlargement of time in which to file said pro se supplemental 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 directing defendant to serve and file 10 copies of his pro se supplemental brief on or before August 4, 2008 for the October 2008 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. 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 June 12, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Luis A. Gonzalez
John T. Buckley, Justices.

-----X
Marek Szpakowski and Agnes
Szpakowski,
Plaintiffs-Respondents,

-against-

Shelby Realty, LLC,
Defendant-Respondent-Appellant,

M-1414
Index No. 123412/00

Forthright Development Company, LLC,
Defendant-Appellant-Respondent,

-and-

Metropolitan Hospital, LLC,
Defendant.

-----X
Shelby Realty, Inc.,
Third-Party Plaintiff-Appellant,

-against

Stephen R. Brighenti and Jonathan P.
Zambetti,
Third-Party Defendants-Respondents.

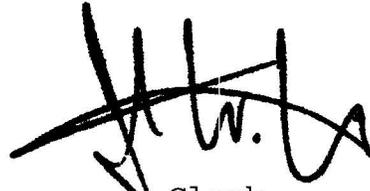
-----X

Defendant-appellant-respondent Forthright Development Company, LLC having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 14, 2008 (Appeal No. 2750/2751/2752/2752A/2752B),

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

It is ordered that the motion is denied (See M-1523, decided simultaneously herewith).

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
Luis A. Gonzalez
John T. Buckley, Justices.

-----X
Marek Szpakowski and Agnes
Szpakowski,
Plaintiffs-Respondents,

-against-

Shelby Realty, LLC,
Defendant-Respondent-Appellant,

M-1523
Index No. 123412/00

Forthright Development Company, LLC,
Defendant-Appellant-Respondent,

-and-

Metropolitan Hospital, LLC,
Defendant.

-----X
Shelby Realty, Inc.,
Third-Party Plaintiff-Appellant,

-against

Stephen R. Brighenti and Jonathan P.
Zambetti,
Third-Party Defendants-Respondents.

-----X

Defendant-respondent-appellant Shelby Realty, LLC having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 14, 2008 (Appeal No. 2750/2751/ 2752/2752A/2752B),

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

It is ordered that the motion is denied (See M-1414, decided simultaneously herewith).

ENTER:

A handwritten signature in black ink, appearing to be "J. W. La", written over a horizontal line. The signature is stylized and somewhat illegible.

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

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

-----X
Vintage, LLC,
Plaintiff-Respondent,

-against-

Laws Construction Corp., Westway
Industries, Inc./Laws Construction
Corp., a joint venture, and United
States Fidelity and Guaranty Company,
Defendants-Appellants,

M-1754
Index No. 15819/02

Westway Industries, Inc., J. Pierre
Gagne and Gagne Development Company,
Inc.,
Defendants.

-----X

Plaintiff-respondent having moved for leave to appeal to the Court of Appeals from the decision and order of this Court entered on February 26, 2008 (Appeal No. 2880/2880A/2880B),

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 June 12, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
John T. Buckley
Karla Moskowitz, Justices.

-----X
Andrew Gering,
Plaintiff-Respondent,

-against-

M-2270
Index No. 350060/03

Charisse Tavano,
Defendant-Appellant.

-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on April 3, 2008 (Appeal No. 3280),

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 June 12, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Peter Tom
John T. Buckley
Karla Moskowitz, Justices.

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

James Andersen,
Petitioner-Respondent,

For a Judgment Pursuant to Article 78
of the CPLR,

M-2289
Index No. 100632/06

-against-

Joel I. Klein, Chancellor of the New
York City Board of Education,
Respondent-Appellant.

-----X

Petitioner-respondent having moved for reargument of the decision and order of this Court entered on April 3, 2008 (Appeal No. 3276),

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 June 12, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Milton L. Williams
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Kiss Construction NY, Inc.,
Plaintiff-Respondent,

-against-

M-2348
Index No. 602373/05

Rutgers Casualty Insurance Company,
Defendant-Appellant,

BHS Insurance Agency, Inc.,
Defendant.

-----X

Defendant-appellant having moved for a stay of enforcement pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 16, 2008,

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

It is ordered that the motion is 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 June 12, 2008.

PRESENT - Hon. Jonathan Lippman, Presiding Justice,
Richard T. Andrias
John W. Sweeny, Jr.
Dianne T. Renwick, Justices.

-----X
Manhattan Church of Christ, Inc.,
Plaintiff-Appellant,

-against-

M-2706
Index No. 603664/05

40 East 80 Apartment Corp.,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, New York County, entered on or about August 20, 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 appellant's time in which to perfect the appeal to the September 2008 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

PRESENT: Hon. Jonathan Lippman, Presiding Justice,
Milton W. Williams
Karla Moskowitz
Rolando T. Acosta, Justices.

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

Christopher Markevich,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

M-2467
Index No. 111205/06

Raymond Kelly, as Police Commissioner
of the City of New York, et al.,
Respondents-respondents.

-----X

Petitioner-appellant having moved for an enlargement of time in which to perfect the appeal from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about July 24, 2007,

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

It is ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to the October 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 June 12, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John T. Buckley
James M. Catterson, Justices.

-----X
Beth Robinson,
Plaintiff-Respondent,

-against-

M-2395
Index No. 350284/07

Donna Moran,
Defendant-Appellant.

-----X

Defendant-appellant 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 March 14, 2008 (mot. seq. no. 002),

Now, upon reading and filing the papers with respect to the motion, including the correspondence from appellant's counsel dated May 23, 2008 and due deliberation having been had thereon,

It is ordered that the motion 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 June 12, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Luis A. Gonzalez
John W. Sweeny, Jr.
Leland G. DeGrasse, Justices.

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

-against-

M-2376
Ind. No. 6850/04

Hector Ferrer, also known as
Hector Ferrer-Santiago,
Defendant-Appellant.

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the order of the Supreme Court, New York County (James Yates, J.) entered on or about April 16, 2008, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, for an enlargement of time in which to perfect the appeal, and for related relief,

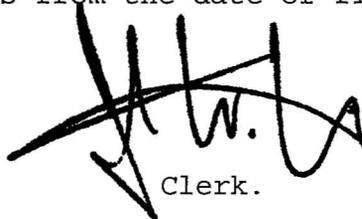
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

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

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

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

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

PRESENT - Hon. Peter Tom, Justice Presiding,
Milton L. Williams
James M. Catterson
Rolando T. Acosta, Justices.

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

Kendra C. R.,

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

M-1751
Docket No. B-1790/01

- - - - -
Abbott House Family Services, et al.,
Petitioners-Respondents,

Charles R.,
Respondent-Appellant.

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

-----X
Respondent-appellant father having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, Bronx County, entered on or about February 29, 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 Section 1120 of the Family Court Act, Robin Steinberg, Esq., The Bronx Defenders, 860 Courtlandt Avenue, Bronx, New York 10451, Telephone No. 718-838-7878, 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.**

E N T E R:



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 June 12, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
Angela M. Mazzarelli
Luis A. Gonzalez
John W. Sweeny, Jr.
Leland G. DeGrasse, Justices.

-----X
Natixis North America, Inc., formerly
known as Ixis,
Plaintiff-Respondent,

-against-

M-2396
Index No. 102059/07

Solow Building Company II, L.L.C.,
Defendant-Appellant.
-----X

Defendant-appellant having moved for consolidation of the appeals taken from the orders of the Supreme Court, New York County, entered on or about August 20, 2007 and May 1, 2008, respectively,

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 enlarging the time in which to perfect the consolidated appeal to the January 2009 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
James M. Catterson
Leland G. DeGrasse, Justices.

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

-against-

M-2044
Ind. No. 6637/03

Rafael Sanabria,
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 December 12, 2005, for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for related relief,

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

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

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

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 June 12, 2008.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
Luis A. Gonzalez
Karla Moskowitz
Leland G. DeGrasse, Justices.

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

-against-

M-2100
Ind. No. 4064/06

Harold Russell,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from a judgment of the Supreme Court, New York County, rendered on or about June 25, 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.

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 June 12, 2008.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
Luis A. Gonzalez
Karla Moskowitz
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Anthony H.,

Application for the Guardianship and Custody of a Child Pursuant to §384-b of the Social Services Law.

Commissioner of Social Services of the City of New York, et al.,
Petitioners-Respondents,

M-2364
Docket No. B7940/05

Gwendolyn H.,
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, New York County, entered on or about October 17, 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 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

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

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.**

ENTER:

A handwritten signature in black ink, appearing to be "J.W.L.", written over the printed text "Clerk.".

Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

PRESENT - Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
James M. Catterson
James M. McGuire, Justices.

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

-against-

M-2313
Ind. No. 1600/02

Quantrell Jones,
Defendant-Appellant.

-----X

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

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

It is ordered that the motion is granted only to the extent of deeming the moving papers a timely filed notice of appeal.

The motion, to the extent that it seeks poor person relief, is denied, with leave to renew upon defendant's submission of a notarized affidavit, pursuant to CPLR 1101, setting forth the amount and sources of monies to pay the fee of trial counsel, Amilio P. Marino, 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 June 12, 2008.

PRESENT: Hon. David B. Saxe, Justice Presiding,
Eugene Nardelli
James M. Catterson
James M. McGuire, Justices.

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

Yashua Amen Shekhem 'El-Bey,
Petitioner-Appellant,

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

M-2278
Index No. 108142/07

-against-

New York City Housing Authority
Bronx River Houses,
Respondent.

-----X

Petitioner-appellant having moved for a stay of eviction proceedings pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 11, 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 denied and the interim relief granted by an order of a Justice of this Court, dated May 2, 2008, is hereby vacated.

ENTER:


Clerk.

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

BEFORE: Hon. JAMES M. MCGUIRE
Justice of the Appellate Division

-----x

The People of the State of New York,

Respondent-movant,

M- 2825
Ind. No. 1428/02

-against-

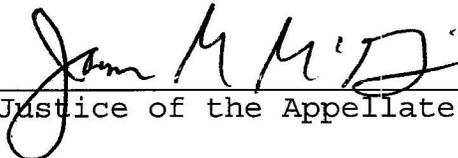
CERTIFICATE
GRANTING LEAVE TO APPEAL
TO THE COURT OF APPEALS

RONALD MOYE,
Defendant.

-----x

I, JAMES M. MCGUIRE, 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 movant to appeal to the Court of Appeals.


Justice of the Appellate Division

Dated: June 3, 2008
New York, New York

ENTERED: **JUN 12 2008**

*Description of Order:

Supreme Court, New York County, entered on June 16, 2004.
App. Div., First Dept., Appeal No. 284, Revd on May 8, 2008.

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.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

PRESENT - Hon. David Friedman, Justice Presiding,
Milton L. Williams
James M. Catterson
Rolando T. Acosta, Justices.

-----X
The People of the State of New York
ex rel. Jisun Allah,
Relator-Appellant,

-against-

M-2204
M-2403 [DC #1]
Index No. 51460/05

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

-----X

An appeal having been taken from the order and judgment (one paper) of the Supreme Court, Bronx County, entered on or about October 21, 2005, which dismissed a habeas corpus proceeding,

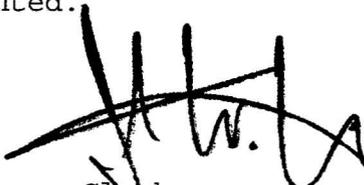
And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department (M-2403 [DC #1]),

And a calendar call having been held by the Clerk of the Court on May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice, and counsel for appellant having moved for an enlargement of time in which to perfect the aforesaid appeal (M-2204),

Now, upon reading and filing the papers with respect to the motion (M-2204), and due deliberation having been had thereon, and upon the Court's own motion (M-2403 [DC #1]),

It is ordered that appellant's time in which to perfect the appeal is enlarged to on or before July 7, 2008 for the September 2008 Term, with no further enlargements to be granted.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

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

-----X
In the Matter of

Tayquan B.,

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

M-2905
Docket No. B1194/00

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

Jamall F.,
Respondent-Appellant.

- - - - -
George Reed, Esq.,
Law Guardian for the Child.

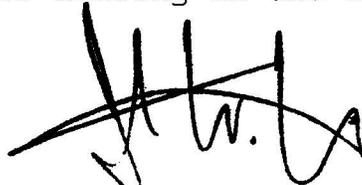
-----X

An appeal having been taken to this Court by respondent-appellant father from the order of the Family Court, Bronx County, entered on or about September 25, 2007, and said appeal having been perfected for the September 2008 Term,

Now, upon the Court's own motion,

It is ordered that Susan Blum, Esq. is relieved as law guardian for the child and pursuant to Article 18b of the County Law and Section 1120 of the Family Court Act, George Reed, Esq., 222 Mamaroneck Avenue, White Plains, New York 10605, Telephone No. 914-946-5000, is assigned as counsel for the child for purposes of responding to the appeal. The Clerk is directed to maintain the appeal on the calendar for hearing in the Court's September 2008 Term.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Milton L. Williams
Dianne T. Renwick, Justices.

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

-against-

Elio Cruz,
Defendant-Appellant.

M-2454 (DC #40)
M-2539
Ind. No. 906/05

-----X
An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about December 13, 2005,

And said appeal not having been brought on for hearing pursuant to the provisions of the Rules of Practice of the Appellate Division, First Department,

And a calendar call having been held by the Clerk of the Court on May 15, 2008, pursuant to Rule 600.12(c) of said Rules of Practice (M-2454 [DC #40]),

And counsel for appellant having moved for an order holding in abeyance the direct appeal pending determination of his CPL 440 motion, and to compel an order directing retired court reporter Joseph Connolly to transcribe all outstanding minutes of proceedings that occurred in Part 71, of the Supreme Court, New York County, on May 11, 2005 (M-2539),

Now, upon reading and filing the papers with respect to the motion (M-2539), and due deliberation having been had thereon, and upon the Court's own motion (M-2454 [DC #40]), it is

Ordered that the motions are granted to the extent of directing the Clerk of the Supreme Court, New York County and retired court reporter Joseph Connolly, to have the aforementioned proceedings transcribed and provided to appellant's counsel, within 30 days from the date of service upon the Clerk and the reporter of a copy of this order, which counsel is directed to so serve within 10 days from the date of entry hereof, or a statement that said minutes do not exist; and enlarging appellant's time in which to perfect the direct appeal until 120 days from the date of this order or the filing of the record, whichever is later.

E N T E R:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on June 12, 2008.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
David Friedman
John T. Buckley
James M. Catterson, Justices.

-----X
Andrew Nemeroff,
Plaintiff-Respondent,

-against-

M-2675
Index No. 600778/05

The Coby Group, Leslie M. Westreich
and Morty J. Yashar,
Defendants-Appellants.

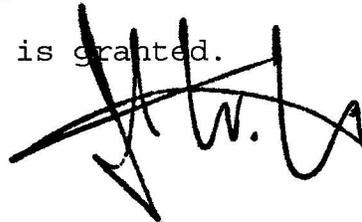
-----X

Defendants-appellants having moved for a stay of trial pending determination of the appeal taken from orders of the Supreme Court, New York County, entered on or about April 5, 2007 (mot. seq. no. 003) and March 10, 2008 (mot. seq. no. 004), said appeal (Appeal No. 3911) having been argued on May 27, 2008,

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

It is ordered that the motion is granted.

ENTER:



Clerk.