

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 9, 2009.

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

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

-against-

M-1472
Ind. No. 5708/07

Rashid Tariq,
Defendant-Appellant.

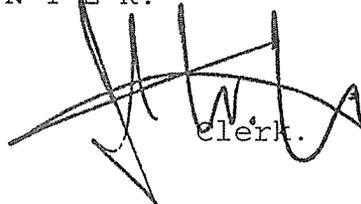
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An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 1, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated March 12, 2009, and due deliberation having been had thereon, it is

Ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 9, 2009.

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

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

Sealed

-against-

M-1473
Ind. No. 5237/03

Andre Green,
Defendant-Appellant.

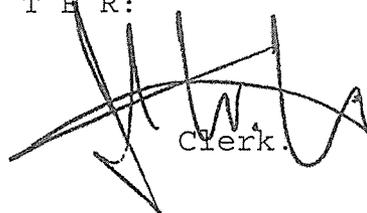
-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about April 16, 2008,

Now, upon reading and filing the stipulation of the parties hereto, dated March 18, 2009, and due deliberation having been had thereon, it is

Ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 9, 2009.

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

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

-against-

M-1480
Ind. No. 8682/99

Carmen Diaz,
Defendant-Appellant.

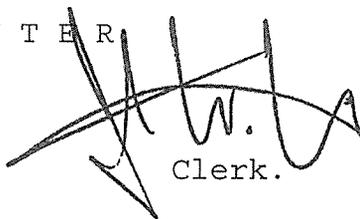
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An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about June 26, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated March 18, 2009, and due deliberation having been had thereon, it is

Ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

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 9, 2009.

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

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

Respondent,

-against-

M-1507
Ind. No. 1456/07

Hector Bonilla,

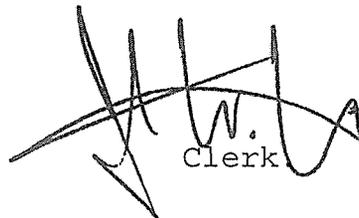
Defendant-Appellant.
-----X

An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about September 11, 2007,

Now, upon reading and filing the stipulation of the parties hereto, dated March 24, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2009.

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

-----X
Mohammad Bashir,
Plaintiff-Appellant,

-against-

Ismet Vusanjin, individually and
doing business as I. Vusanjin, LLC,
I. Vusanjin, LLC and V. Vusanjin,
LLC,
Defendants-Respondents.

M-1517
Index No. 21821/05

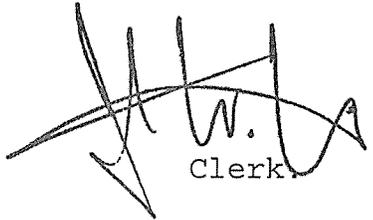
-----X

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

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

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

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2009.

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

-----X

Karen Sheridan,
Plaintiff-Respondent,

-against-

Very LTD., doing business as Au Bar,
Defendant-Respondent,

M-1516
Index No. 108953/04

-and-

625 Management Committee, Sheila
Daley and 625 Madison Associates,
L.P.,

Defendants-Appellants.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 8, 2008 (mot. seq. no. 005),

Now, upon reading and filing the stipulation of the parties hereto, dated March 23, 2009, and due deliberation having been had thereon,

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

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2009.

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

-----X
Paul Escobosa, an infant by his
mother and natural guardian, Rosanna
Vargas,
Plaintiff,

-against-

M-1315
Index No. 20255/06

Jonah Associates, L.L.C.,
Defendant.

-----X

Defendant having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, Bronx County, on or about March 16, 2009,

Now, upon reading and filing the papers with respect to the motion, and correspondence from defendant's counsel dated March 20, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn.

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 9, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick, Justices.

-----X
Travers Jewelers Corp.,
Plaintiff-Appellant,

-against-

650 Fifth Avenue Corporation, et al.,
Defendants-Respondents.

M-1074
Index No. 107475/05

-----X
[And a third-party action]

Index No. 590080/06
-----X

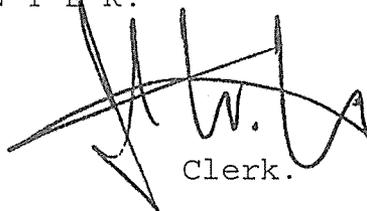
An appeal having been taken from the order of the Supreme Court, New York County, entered on or about December 19, 2007 (mot. seq. no. 002),

And defendant-respondent 650 Fifth Avenue Corporation having moved for dismissal of the aforesaid appeal,

Now, upon reading and filing the stipulation of the parties hereto, dated March 18, 2009, and due deliberation having been had thereon, it is

Ordered that the motion and the appeal are deemed withdrawn in accordance with the aforesaid stipulation.

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 9, 2009.

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

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

-against-

M-1250
Ind. No. 3047/07

Jeffrey Brazier,
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 May 6, 2008, 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 9, 2009.

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

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

-against-

M-1252
Ind. No. 804/07

Karim Canty, also known as Kareem
Canty,
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 January 15, 2009, for leave to prosecute the appeal as a poor person upon the original record and a reproduced appellant's brief, and for related relief,

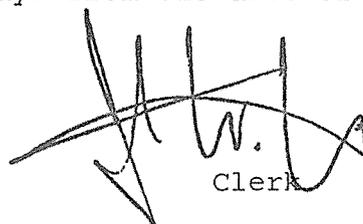
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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 April 9, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
John T. Buckley
Dianne T. Renwick, Justices.

-----X
In the Matter of the Adoption of a
Child Whose First Name is

Ezri,

A Child Under 18 Years of Age Alleged
to be Abused and/or Neglected.

- - - - -
Alba R.,
Petitioner-Respondent,

M-189
Docket No. A-26343/07

-against-

Kimberly F.,
Respondent-Appellant.

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

-----X

Respondent-appellant mother, Kimberly F., 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 December 11, 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, Dora Lassinger, Esq., 6 Howland Rd., East Rockaway, NY 11518, Telephone No. 516-887-8987, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from

funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for transferring the record from the Family Court to this Court; and (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. 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. (See M-189A, decided simultaneously herewith.)

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 April 9, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
David Friedman
John T. Buckley
Dianne T. Renwick, Justices.

-----X
In the Matter of the Adoption of a
Child Whose First Name is

Ezri,

A Child Under 18 Years of Age Alleged
to be Abused and/or Neglected.

- - - - -
Alba R.,
Petitioner-Respondent,

M-189A
Docket No. A-26343/07

-against-

Kimberly F.,
Respondent-Appellant.

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

-----X

Robert A. Leder, Esq., Law Guardian counsel for the subject child Ezra having moved for the assignment of counsel to represent the child on the appeal taken by the respondent-appellant mother from the order of the Family Court, Bronx County, entered on or about December 11, 2008, 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 assigning, pursuant to Article 18b of the County Law and § 1120 of the Family Court Act, Steven Feinman, Esq., 19 Court Plaza, Suite 201, White Plains, NY 10601, Telephone No. (914) 949-8214, as counsel for purposes of responding to the appeal taken by respondent-appellant mother. (See M-189, 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 April 9, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
John W. Sweeny, Jr.
James M. Catterson
Dianne T. Renwick, Justices.

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

-against-

M-1189
Ind. No. 5073/96

Manuel Martinez,
Defendant-Appellant.

-----X

An order of this Court having been entered on June 26, 2008 (M-2786) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about May 9, 2008, and assigning Richard M. Greenberg, 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 Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal, and substituting, pursuant to Section 722 of the County Law, Robert S. Dean, Esq., Center For Appellate Litigation, 74 Trinity Place, 11th Floor, New York, New York 10006, Telephone No. (212)577-2523, as such counsel. The poor person relief previously granted is continued, and appellant's time in which to perfect the appeal is enlarged until 120 days from the date of this order or the filing of the record, whichever is later.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2009.

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

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

-against-

M-1209
Ind. No. 651/07

Juan Valdez,
Defendant-Appellant.

-----X

An order of this Court having been entered on February 19, 2009 (M-295), inter alia, granting defendant leave to file a pro se supplemental brief in connection with the appeal from a judgment of the Supreme Court, New York County, rendered on or about March 6, 2008,

And defendant having moved for an extension of time in which to file the pro se supplemental brief,

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

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before July 13, 2009 for the September 2009 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material furnished to .. appellant has been returned.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2009.

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

-----X

Glenfield Effatt and Etta Effatt,
Plaintiffs-Respondents,

-against-

M-1185

Index No. 23858/99

Otis Elevator Co.,
Defendant,

Nouveau Elevator Industries, Inc.,
Defendant-Appellant.

-----X

Nouveau Elevator Industries, Inc.,
Third-Party Plaintiff-Appellant,

-against-

Index No. 83624/03

Lenox Hill Hospital,
Third-Party Defendant-Respondent.

-----X

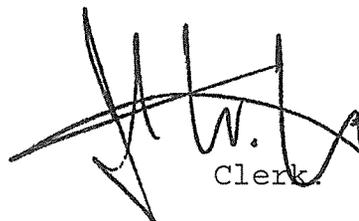
An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 26, 2008,

And defendant/third-party plaintiff-appellant, Nouveau Elevator Industries, Inc., having moved for an order staying .. trial herein pending hearing and determination of the perfected 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 9, 2009.

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

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

-against-

M-1266
Ind. No. 4307/07

Lawrence Mendez,
Defendant-Appellant.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, rendered on or about July 7, 2008,

And, an order of this Court having been entered November 25, 2008 (M-4932), granting defendant a continuation of the stay of execution of sentence pending hearing and determination of the aforesaid appeal on condition defendant perfect the appeal for the June 2009 Term,

And, defendant appellant having moved for a continuation of the aforesaid stay 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 on condition that appellant perfects the appeal on or before July 13, 2009 for the September 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 April 9, 2009.

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

-----X
In the Matter of the Application of
Mehendra Dhanraj,
Petitioner-Appellant,

For a Judgment Pursuant to Article
78 of the CPLR,

M-1173
Index No. 401341/08

-against-

The New York City Police Department,
Respondent-Respondent.

-----X

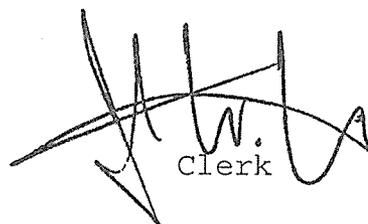
An Article 78 proceeding to review a determination of respondent, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about December 19, 2008 (mot. seq. no. 001),

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.

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 9, 2009.

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

-----X
Myrtle Brown, as mother and legal guardian of Anastasia Joliet Brown, an infant under the age of 14,
Plaintiff-Respondent,

-against-

M-809
Index No. 111577/98

The City of New York, The Administration for Children's Services
Defendant-Appellant-Respondent,

The Harlem Dowling-Westfield Center for Children and Family Services,
Defendant-Respondent-Appellant.

-----X

An appeal and cross appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 9, 2008 (mot. seq. no. 005),

And, plaintiff-respondent having moved for dismissal of the cross-appeal taken by The Harlem Dowling-Westfield Center for Children and Family Services,

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

It is ordered that the motion is denied, without prejudice to addressing the issue in the responding brief on the cross appeal.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2009.

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

-----X
Juliette DeJoie Cadichon and
Jean Philippe Cadichon,
Plaintiffs-Appellants,

-against-

M-819

M-943

Index No. 16878/03

Thomas Facelle, M.D., Good Samaritan
Hospital, Montefiore Medical Center
and Louis May, M.D.,
Defendants-Respondents.

-----X

Appeals having been taken from orders of the Supreme Court, Bronx County, entered on or about August 26, 2008 and January 29, 2009, respectively,

And defendants-respondents Good Samaritan Hospital (M-819) and Montefiore Medical Center (M-943) having separately moved to dismiss the aforesaid appeal from the order entered on or about January 29, 2009,

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, without prejudice to addressing the issue on the appeals, which are sua sponte consolidated, and plaintiffs are directed to perfect the consolidated appeals for the September 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 April 9, 2009.

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

-----X
Louis F. Polk, Jr., also known as
Louis Polk, and Anna Polk,
Plaintiffs-Respondents,

-against-

M-936
Index No. 603369/04

John R. Hearst, Jr.,
Defendant-Appellant,

Barbara W. Hearst,
Defendant.

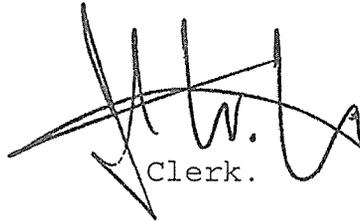
-----X

Plaintiffs-respondents having moved for dismissal of the appeal taken from an order of the Supreme Court, New York County, entered on or about February 8, 2008,

Now, upon reading and filing the papers with respect to the motion, including the correspondence from appellant's co-counsel dated February 6, 2009 and due deliberation having been had thereon,

It is ordered that the motion is denied and, sua sponte, the appeal is deemed withdrawn.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2009.

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

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

-against-

John Nevarez,
Defendant-Appellant.

M-1170
Ind. Nos. 3633/06
6046/06

-----X
Defendant-appellant having moved for leave to file a pro se supplemental brief in connection with the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 25, 2007, and the judgment of resentence of said Court rendered on or about August 14, 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.

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 9, 2009.

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

-----X
The Board of Managers of the 1235 Park
Condominium, The 1235 Park Condominium
and Penmark Realty Corp.,
Plaintiffs-Appellants,

-against-

M-1015
M-1275
Clermont Specialty Managers, Ltd., et al., Index No. 111794/07
Defendants-Respondents.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about April 10, 2008 (M-1015),

And defendants-respondents having cross-moved to dismiss the aforesaid appeal (M-1275),

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2009 Term. The cross motion to dismiss the appeal is granted unless appellant perfects the appeal for said Term. Upon failure to so perfect, an order dismissing the appeal may be entered ex parte, provided that respondent(s) serve a copy of this order upon appellant(s) within 10 days from the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Richard T. Andrias
John T. Buckley, Justices.

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

-against-

M-1090
Index No. 100318/07

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

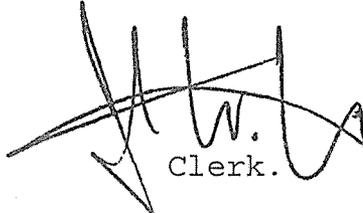
-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about April 21, 2008 (mot. seq. no. 001),

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 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 April 9, 2009.

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

-----X
Destiny Gonzalez Avila, by her
mother and natural guardian
Soraya Avila, and Soraya Avila,
individually,
Plaintiffs-Respondents,

-against-

M-1140
Index No. 401719/04

The City of New York, The New York
City Health & Hospitals Corporation,
Harlem Hospital and John Does 1-10,
as employees of Harlem Hospital,
Defendants-Appellants.

-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about June 5, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 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 April 9, 2009.

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

-----X
KPG Inc., also known as Kurland
Passaretti Group, etc.,
Plaintiff-Respondent,

-against-

M-1175
Index No. 123119/01

120 Broadway Properties, LLC,
120 Broadway LLC,
Defendants-Appellants,

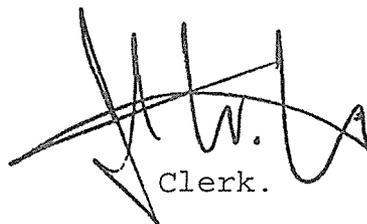
Salinas Group Limited, et al.,
Defendants.

-----X
Defendants-appellants 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 January 10, 2008,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 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 April 9, 2009.

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

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

-against-

M-1054
Ind. No. 3335/83

Zafarin Hutchinson,
Defendant-Appellant.

-----X

Defendant having moved for an enlargement of time in which to file a notice of appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 1, 1984, and for other relief,

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

It is ordered that the motion is denied as academic, the appeal from the aforesaid judgment having been unanimously affirmed by this Court on June 12, 1986.

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 9, 2009.

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

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

-against-

M-1068
Ind. No. 6627/04

Francisco Martinez,
Defendant-Appellant.

-----X

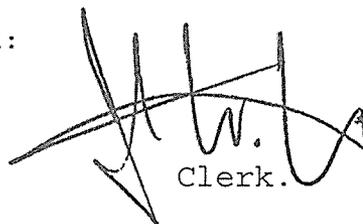
An appeal having been taken from a judgment of the Supreme Court, New York County, rendered on or about March 22, 2007,

And, defendant-appellant having moved to enlarge the record on appeal to include certain letters, reports, certificates and exhibits, and for related relief,

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

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2009.

Present - Hon. Peter Tom, Justice Presiding,
Karla Moskowitz
Dianne T. Renwick
Helen E. Freedman, Justices.

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

-against-

M-401
Ind. No. 7034/04

Eddie Badia,
Defendant-Appellant.
-----x

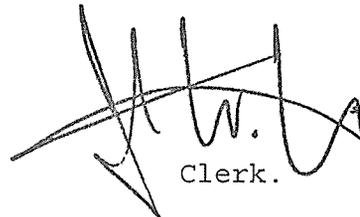
An appeal having been taken to this Court from the judgment of the Supreme Court, New York County, rendered on or about November 2, 2006,

And defendant-appellant having moved, through assigned counsel, for an order enlarging the judgment roll to include and provide to assigned counsel, the minutes of defendant's first trial, inclusive of certain minutes of ex parte arguments and rulings under seal, 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 enlarging the record on appeal to include the minutes of defendant's first trial, with a copy of the transcript thereof to be included in the record on appeal and another to be made available to appellant's counsel, without charge, exclusive of those minutes with respect to any ex parte motions and/or proceedings under seal which are to be delivered to the Exhibit Clerk of this Court under seal. Defendant's time in which to perfect the appeal is enlarged to the September 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 April 9, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
John T. Buckley
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Application of
Lamont Young, Sr.,
Petitioner,

For a Judgment Pursuant to Article 78
of the CPLR,

M-1111
Index No. 406452/07

-against-

Office of Housing Operation/
Division of Tenant Resources, et al.,
Respondents.

KNW Apartments, LLC,
Non-Party Landlord.
-----X

An Article 78 proceeding, to review a determination of respondents, having been transferred to this Court, pursuant to CPLR 7804(g), by order of the Supreme Court, New York County, entered on or about March 26, 2008 (mot. seq. no. 001),

And non-party landlord having now moved for an order vacating any stay of Civil Court summary eviction proceeding with respect to petitioner tenant and movant landlord,

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. See the order of this Court entered on March 24, 2009 (M-944), 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 March 24, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John T. Buckley
Rolando T. Acosta
Dianne T. Renwick
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Application of
Lamont Young, Sr.,
Petitioner,

M-944
Index No. 406452/07

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

Office of Housing Operation/
Division of Tenant Resources, et al.,
Respondents.
-----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 March 26, 2008 (mot. seq. no. 001), to review a determination of respondents,

And petitioner tenant having moved for an enlargement of time in which to perfect the aforesaid proceeding,

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 proceeding to the September 2009 Term, with no further enlargements to be granted. Petitioner is permitted to dispense with payment of the required fee for the subpoena and filing of the record. Sua sponte, the stay of the Civil Court summary eviction proceeding is herewith vacated.

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 9, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
Eugene Nardelli
John T. Buckley
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Donald Miller, et al.,
Plaintiffs-Respondents,

-against-

M-1042
Index No. 101342/03

Metropolitan 810 7th Ave, LLC, et al.,
Defendants-Respondents,

Otis Elevator Co. and Otis Elevator
Corp.,
Defendants-Appellants.

-----X
Metropolitan 810 7th Ave, LLC, et al.,
Third-Party Plaintiffs,

-against-

Index No. 591001/03

Joseph Neto & Associates, Inc.,
Third-Party Defendant,

New York Elevator Company and
New York Elevator and Electrical
Corporation,
Third-Party Defendants.

-----X

Defendants-appellants Otis Elevator Co. and Otis Elevator Corp. having moved for an enlargement of time to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about April 21, 2008 (mot. seq. nos. 005, 006, 007, 008 and 009),

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

Ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2009 Term.

E N T E R:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2009.

PRESENT - Hon. Angela M. Mazzairelli, Justice Presiding,
Eugene Nardelli
John T. Buckley
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
Larry Stryker,
Plaintiff-Respondent,

-against-

M-1299
Index No. 117524/06

Alex Stelmak,
Defendant-Appellant,

Stan Mashov, Simone V. Palazzolo, Esq.,
and Advanced Technologies Group, Ltd.,
Defendants.

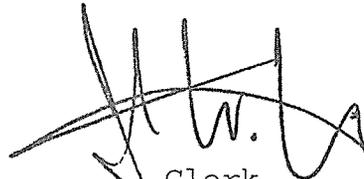
-----X

Defendant-appellant Alex Stelmak having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about December 5, 2007,

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

Ordered that the motion is granted to the extent of enlarging the time in which appellant Alex Stelmak may perfect the appeal to the September 2009 Term.

E N T E R:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
David Friedman
Karla Moskowitz
Rolando T. Acosta, Justices.

-----x
Betty Floyd,
Plaintiff-Appellant,

-against-

M-1044
Claim No. 113494

The State of New York Division of
Human Rights,
Defendant-Respondent.

-----x

Plaintiff-appellant having moved for leave to serve a late notice of appeal from the decision and order of the Court of Claims of the State of New York entered on or about December 4, 2008, and for leave to prosecute appeal as a poor person upon the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is granted to the extent of permitting the appeal to be heard on the original record and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the attorney for respondent and file 10 copies of such brief, together with the original record, with this Court. Appellant is permitted to dispense with payment of the required fee for the subpoena and filing of the record. Appellant's time in which to perfect the appeal is enlarged to on or before August 10, 2009 for the October 2009, Term. The motion to the extent it seeks leave to file a late notice of appeal is denied as unnecessary.

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 9, 2009.

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

-----X
In the Matter of a Proceeding for
Support Under Article 4 of the
Family Court Act.

- - - - -
Thomas B., also known as
Thomas B. IV,

Petitioner-Respondent,

-against-

M-1285 & M-1515
Docket No. F14747-06/06A

Lydia D.,

Respondent-Appellant.

-----X

Respondent-appellant having perfected the appeals from orders of the Family Court, New York County, entered on or about May 2, 2008 and May 30, 2008, respectively,

And petitioner-respondent having failed to respond to the aforesaid appeals and having instead moved for clarification of this Court's appeal calendar, for an enlargement of time in which to respond to the aforesaid appeals or, in the alternative, for dismissal of said appeals (M-1285),

And petitioner-respondent having failed to timely perfect his appeals taken from the orders of said Family Court entered on or about January 9, 2008, May 2, 2008 and September 10, 2008 as directed by the orders of this Court entered August 26, 2008 (M-3497), October 7, 2008 (M-4499) and February 24, 2009 (M-546),

And respondent-appellant having cross-moved to dismiss the aforesaid appeals taken by petitioner for failure to timely perfect (M-1515),

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-1285) is granted only to the extent of adjourning the appeals perfected by respondent-appellant to the June 2009 Term, and petitioner-respondent's time in which to serve and file a responding brief is enlarged to April 22, 2009. Appellant's reply brief to be served and filed on or before May 1, 2009, and it is further

Ordered that the cross motion (M-1515) is granted and the appeals taken by petitioner-respondent Thomas B. from the orders of the Family Court entered on or about January 9, 2008, May 2, 2008 and September 10, 2008 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 9, 2009.

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

-----X
Migdalia Cruz,
Plaintiff-Respondent,

-against-

M-909
Index No. 21431/06

Elite Ambulette Service, Inc.,
and John Doe, intended to be
the driver of the ambulette,
Defendants-Appellants.

-----X

Defendant Elite Ambulette Service, Inc., having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about October 14, 2008,

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

It is ordered that the motion is 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 9, 2009.

Present - Hon. David B. Saxe, Justice Presiding,
James M. Catterson
James M. McGuire
Karla Moskowitz
Rolando T. Acosta, Justices.

-----X
Chedli Gassab,

Plaintiff-Appellant,

-against-

M-1234

Index No. 122439/99

R.T.R.L.L.C.,

Defendants-Respondents.

-----X

R.T.R.L.L.C.,

Third-Party Plaintiff,

-against-

Index No. 590217/00

Price Thomas Studios, Inc.,

Third-Party Defendant.

-----X

Price Thomas Studios, Inc.,

Fourth-Party Plaintiff,

-against-

Index No. 591300/00

Bronx Builders and Gorton Associates
Incorporated,

Fourth-Party Defendants.

-----X

R.T.R.L.L.C.,

Second Third-Party Plaintiff,

-against-

Index No. 590113/01

Bronx Builders and Gorton Associates
Incorporated,

Second Third-Party Defendants.

-----X

An order of this Court having been entered on December 9, 2008 (M-5247) consolidating the appeals taken by plaintiff from the orders of the Supreme Court, New York County, entered on or about January 23, 2008 (mot. seq. no. 015) and July 7, 2008

(mot. seq. no. 016), respectively, and enlarging appellant's time in which to perfect said appeals to the April 2009 Term,

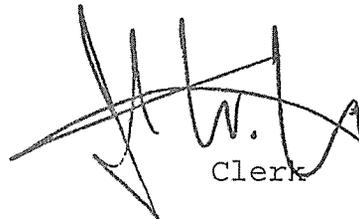
And an order of this Court having been entered on February 24, 2009 (M-403), granting an enlargement of time to perfect the consolidated appeals to the June 2009 Term,

And plaintiff-appellant having moved to consolidate the aforesaid consolidated appeals with the appeal from the order of the Supreme Court, New York County, entered on or about March 11, 2009 (mot. seq. no. 017), and for an enlargement of time to perfect the consolidated appeals,

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

It is ordered that the motion is granted and appellant is directed to perfect the consolidated appeals for the September 2009 Term, with no further enlargements or consolidations to be granted.

ENTER:



Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2009.

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

-----X
Bernhard Christian Helgason,
Claimant-Appellant,

-against-

M-1117
Index No. 114179/07

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

-----X
In the Matter of the Application of
Bernhard Christian Helgason,
Petitioner-Appellant,

For a Judgment Pursuant to Article 78
of the CPLR,

-against-

Index No. 115750/07

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

-----X

Appeals having been taken to this Court by claimant-petitioner from the decision and order of the Court of Claims of the State of New York entered on or about January 28, 2008, and the order of the Supreme Court, New York County, entered on or about July 24, 2008, respectively,

And claimant-petitioner having moved for consolidation of the aforesaid appeals,

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

It is ordered that the motion is granted to the extent of adjourning the perfected appeal under Index No. 114179/07 to the September 2009 Term, for which Term the appellant is directed to perfect the appeal under Index No. 115750/07. The Clerk is directed to calendar said appeals for hearing together in said September 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 April 9, 2009.

Present: Hon. David B. Saxe, Justice Presiding,
John T. Buckley
James M. McGuire
Leland G. DeGrasse
Helen E. Freedman, Justices.

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

-against-

M-780
Ind. No. 5958/05

Gilbert St. Rose,
Defendant-Appellant.

-----X

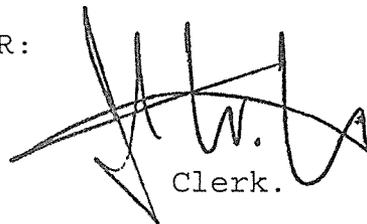
An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about November 2, 2006,

And defendant having moved for an order unsealing and enlarging the record on appeal to include, and directing the People to provide to appellate counsel, the minutes of the grand jury proceedings,

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 the People to provide to this Court, under seal, for in camera review, the minutes of all grand jury proceedings. ..

ENTER:


Clerk.

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

BEFORE: Hon. Richard T. Andrias
Justice of the Appellate Division

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

Respondent,

M-5216
Ind. No. 7972/00

-against-

SEALED
CERTIFICATE
GRANTING LEAVE

Carlos Ferreira,

Defendant-Appellant.
-----X

I, Richard T. Andrias, a Justice of the Appellate Division, First Judicial Department, do hereby certify that in the proceedings herein questions of law or fact are involved which ought to be reviewed by the Appellate Division, First Judicial Department, and, pursuant to Section 460.15 of the Criminal Procedure Law, permission is hereby granted to the above-named defendant to appeal to the Appellate Division, First Judicial Department, from the order of the Supreme Court, New York County (Laura A. Ward, J.), entered on or about April 9, 2008, denying his motion pursuant to CPL 440.10.¹

Dated: New York, New York
April 1, 2009

ENTERED

APR 09 2009

Justice of the Appellate Division

NOTICE: Within 15 days from the date hereon, an appeal must be taken, and this certificate must be filed with the notice of appeal. An appeal is taken by filing, in the Clerk's office of the criminal court in which the order sought to be appealed was rendered, a written notice in duplicate that appellant appeals to the Appellate Division, First Judicial Department (Section 460.10, subd. 4, CPL), together with proof that another copy of the notice of appeal has been served upon opposing counsel. The appeal (or consolidated appeals; see footnote) must be argued within 120 days from the date of the notice of appeal, unless the time to perfect the appeal(s) is enlarged by the court or a justice thereof.

¹In the event defendant has an existing (direct) appeal from a judgment, such appeal shall be consolidated with the appeal from the aforesaid order; and any poor person relief granted with respect to the appeal from the judgment shall be extended to cover the appeals so consolidated.

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

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

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

M- 1051
Ind. No. 4428/96

-against-

CERTIFICATE
DENYING LEAVE

Tong You Cheng,
Defendant.

-----X

I, Helen E. Freedman, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, sections 450.15 and 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about December 18, 2008 is hereby denied.



Associate Justice

Dated: April 2, 2009
New York, New York

ENTERED: **APR 09 2009**

PM ORDERS

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 9, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
David Friedman
James M. McGuire
Karla Moskowitz, Justices.

-----x
Cynthia Kitchen,
Plaintiff-Appellant,

-against-

Mamadou Diakhate, et al.,
Defendants-Respondents.

M-1115
M-1207
Index No. 16717/04

-----x

Plaintiff-appellant having moved for a stay of trial pending hearing and determination of the appeal from the order of the Supreme Court, Bronx County, entered on or about February 5, 2009,

And defendants-respondents having cross-moved for dismissal of the aforesaid appeal,

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 for a stay of trial is granted on condition the appeal is perfected on or before July 13, 2009 for the September 2009 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided respondent(s) serve a copy of this order upon appellant within 10 days after the date of entry hereof. The cross motion to dismiss the appeal is denied, without prejudice to addressing the issue on the appeal.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 9, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Angela M. Mazzarelli
David B. Saxe
Rosalyn H. Richter, Justices.

-----X
Sagecrest II, LLC,
Plaintiff-Respondent,

-against-

M-1485
Index No. 600166/09

Ian S. Peck, et al.,
Defendants-Appellants.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 19, 2009,

And defendants-appellants having moved for an order staying enforcement of the aforesaid order, 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 25, 2009 is vacated.

ENTER:


Clerk.