

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 30, 2009.

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

-----X  
Robert J. Levin,  
Plaintiff-Respondent,

-against-

M-1802X  
Index No. 112216/07

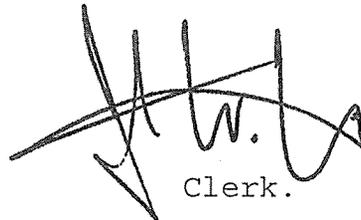
Marvin Mansky,  
Defendant-Appellant.  
-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about November 18, 2008 (mot. seq. no. 003),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 16, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 30, 2009.

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

-----X  
Claremont Preparatory School, LLC,  
Plaintiff-Respondent,

-against-

M-1803X  
Index No. 603886/06

Long Island Swimming Pool Service,  
Inc.,  
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about December 16, 2008 (mot. seq. no. 006),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 16, 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It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.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 30, 2009.

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

-----X  
Greenfield Effatt and Etta Effatt,  
Plaintiffs-Respondents,

-against-

M-1804X  
Index No. 23858/99

Otis Elevator Company, et al.,  
Defendants.

-----X  
Nouveau Elevator Industries, Inc.,  
Third-Party Plaintiff-Respondent,

-against-

Lenox Hill Hospital,  
Third-Party Defendant-Appellant.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about August 7, 2008,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 16, 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 30, 2009.

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

-----X  
Luis Fernandez,  
Plaintiff-Respondent,

-against-

M-1805X  
Index No. 101607/06

SP West 33-34 LLC and Stonehenge  
Management LLC,  
Defendants-Appellants,

Eugene W. Howell Contracting Inc.,  
Defendant-Appellant,

Music Choice,  
Defendant-Appellant,

The Penmark Owners, LLC,  
Defendant.

-----X  
Music Choice,  
Third-Party Plaintiff-Appellant,

-against-

The MNM Group, Inc.,  
Third-Party Defendant-Respondent.

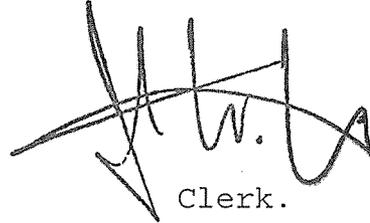
-----X

Separate appeals having been taken by defendants-appellants SP West 33-34 LLC and Stonehenge Management LLC; defendant-appellant Eugene W. Howell Contracting Inc.; and defendant/third-party plaintiff-appellant Music Choice, formerly known as Jerrold DC Radio, Inc. from the order of the Supreme Court, New York County, entered on or about October 30, 2008 (mot. seq. nos. 003 and 004),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 15, 2009, and due deliberation having been had thereon,

It is ordered that the appeals are 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 30, 2009.

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

-----X  
Flexton Young, Jr.,  
Plaintiff-Respondent,

-against-

M-1871X  
Index No. 106803/04

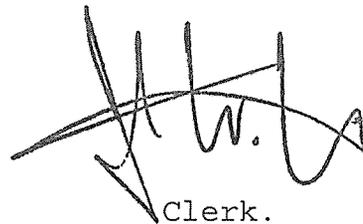
The City of New York, et al.,  
Defendants-Appellants.  
-----X

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

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" April 20, 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 30, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
John T. Buckley  
James M. Catterson  
James M. McGuire  
Dianne T. Renwick, Justices.

-----X  
In the Matter of

Sarah-Lee R., Marco V. and Steven G.,

Dependent Children Under 18 Years of Age Alleged to be Abused and/or Neglected Pursuant to Article 10 of the Family Court Act. M-1541  
Docket Nos. N-1913/09  
N-1914/09  
N-1915/09

The Administration for Children's Services,  
Petitioner-Appellant,

Laura G.,  
Respondent-Respondent,

Edelberto R., also known as Ruben R.,  
Respondent-Respondent,  
-----

Steven Banks, Esq., Juvenile Rights Division, Legal Aid Society,  
Law Guardian for the Children.  
-----X

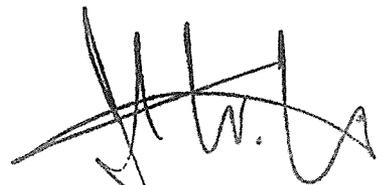
An appeal having been taken from an order of the Family Court, Bronx County, entered on or about January 23, 2009,

And Counsel for petitioner agency having moved to withdraw 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 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 30, 2009.

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

-----X  
David Mercedes,  
Plaintiff,

-against-

M-1277  
Index No. 16880/03

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

-----X  
361 East Realty Associates, LLC,  
Third-Party Plaintiff,

-against-

Index No. 84307/04

Eliyahu Idi, doing business as  
Jugalanga.com, Inc.,  
Third-Party Defendant.

-----X  
Eliyahu Idi and Jugalanga.com, Inc.,  
Fourth-Party Plaintiffs-Appellants,

-against-

Index No. 84998/05

Granite State Insurance Company, an  
affiliate of AIG, et al.,  
Fourth-Party Defendants-Respondents.

-----X  
(And another action)  
-----X

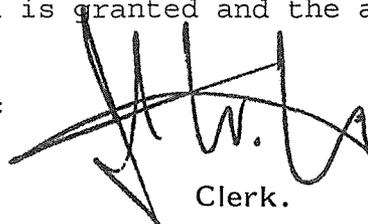
Index No. 25313/05

Fourth-party defendant-respondent, Granite State Insurance Company, an affiliate of AIG, having moved for dismissal of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about April 29, 2008,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 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-1773  
Ind. No. 3212/06

Curtis Simmons,  
Defendant-Appellant.

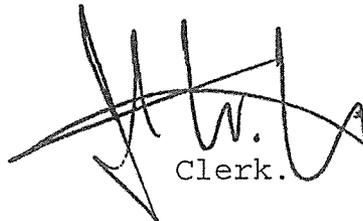
-----X

An order of this Court having been entered on December 23, 2008 (M-5545) granting defendant leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about November 5, 2008, 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, Susanna De La Pava, Esq., 110 Wall Street, 11th Floor, New York, NY 10005, Telephone No. 212-709-8315, 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 30, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
Angela M. Mazzairelli  
Eugene Nardelli  
Dianne T. Renwick, Justices.

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

M-1105

Tonya A.,  
Petitioner-Respondent,

Docket Nos. V19696/02  
V19696/02/02A  
V19696/02/02B  
V19696/02/05C  
V19696/02/05D

-against-

Hal H., also known as Hal H. H.,  
Respondent-Appellant.  
-----X

An order of this Court having been entered on January 29, 2009 (M-6109/M-6110), dismissing respondent-appellant father's appeal taken from the orders of the Family Court, Bronx County, entered on or about December 31, 2007,

And respondent-appellant father having moved for reconsideration of the aforesaid order of this Court entered on January 29, 2009 (M-6109/M-6110), to have the dismissed appeal restored to the calendar, for leave to prosecute said appeal as a poor person, 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 reinstating the appeal from the orders entered December 31, 2007 and enlarging the time to perfect said appeal to on or before July 13, 2009 for the September 2009 Term, with no further enlargements to be granted. Upon failure to perfect, an order dismissing the appeal may be entered ex parte, provided petitioner-respondent serves a copy of this order upon the respondent-appellant within 10 days after the date of entry hereof. So much of the motion which seeks poor person relief and the assignment of counsel is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
John T. Buckley  
Rolando T. Acosta, Justices.

-----X  
Ronald Hisen and Marguerite Hisen,  
Plaintiffs,

-against-

754 Fifth Avenue Associates, L.P.,  
Bergdorf Goodman, Inc., The  
Neiman-Marcus Group, Inc., City  
Store Gates Mfg. Corp., and  
Allboro Installers, Co., Inc.,  
Defendants.

M-1493  
M-1599  
M-1757  
Index No. 104406/06

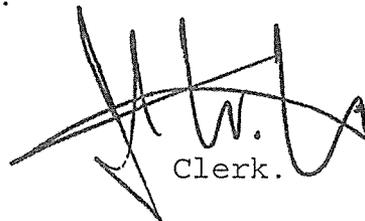
-----X  
Defendants Bergdorf-Goodman and Neiman-Marcus Group, Inc. (M-1493) and defendant 754 Fifth Avenue (M-1599) having moved by separate motions, pursuant to CPLR 5704(a), for relief denied by a Justice of the Supreme Court, New York County, on or about March 17, 2009,

And defendant 754 Fifth Avenue having moved, pursuant to CPLR 5704(a), for relief denied by a Justice of the Supreme Court, New York County, on or about April 7, 2009 (M-1757),

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.

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 30, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Peter Tom  
John W. Sweeny, Jr.  
James M. Catterson, Justices.

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

-against-

M-4028  
Ind. No. 4064/87

Anthony Jones, also known as Anthony T.  
Jones,

Defendant.  
-----X

Defendant having taken an appeal from the judgment of the Supreme Court, Bronx County, rendered on or about August 1, 1988; and said appeal having been dismissed by order of this Court, entered on September 7, 2006 (M-3673),

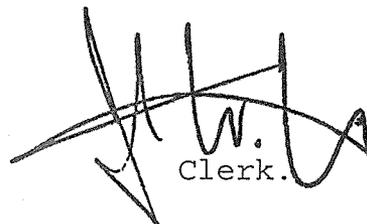
And defendant having taken an appeal from the judgment of resentence of the Supreme Court, Bronx County, rendered on or about April 17, 2006; and said appeal having been deemed withdrawn pursuant to stipulation by order of this Court entered on May 1, 2008 (M-1697),

And defendant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate counsel with respect to the aforesaid convictions, 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 said application 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 30, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzaelli  
David B. Saxe  
Karla Moskowitz  
Rosalyn H. Richter, Justices.

-----X  
Southbridge Towers, Inc.,  
Petitioner-Landlord-Respondent,

-against-

M-1602  
Index No. 570401/07

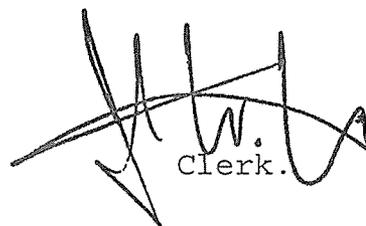
Jarmena To,  
Respondent-Tenant-Appellant.  
-----X

Respondent-tenant-appellant having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about July 22, 2008, and for a stay of all proceedings pending hearing and determination of said appeal,

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

It is ordered that the motion is denied.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,  
Angela M. Mazzaelli  
James M. Catterson  
James M. McGuire  
Rolando T. Acosta, Justices.

-----X

Russell D. Palmer,

Claimant-Appellant,

-against-

M-700  
Claim 113249

The State of New York,

Defendant-Respondent.

-----X

Claimant-appellant having moved for reargument of the decision and order of this Court entered on December 18, 2008 (Appeal No. 4868.1),

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 30, 2009.

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

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

-against-

M-400  
Ind. No. 5788/05

Brett Smith,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on June 3, 2008 (Appeal No. 3808), unanimously affirming the judgment of the Supreme Court, New York County (Richard D. Carruthers, J.), rendered on June 12, 2006,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application is denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
David Friedman  
Eugene Nardelli  
Helen E. Freedman, Justices.

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

-against-

M-3645  
Ind. No. 1350/02

Thomas Patterson,  
Defendant-Appellant.

-----X  
A decision and order of this Court having been entered on March 27, 2007 (Appeal No. 9464), unanimously affirming the judgment of the Supreme Court, Bronx County (Denis J. Boyle, J.), rendered on April 10, 2003,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application is denied.

E N T E R:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2009.

PRESENT - Hon. Luis A. Gonzalez, Presiding Justice,  
John W. Sweeny, Jr.  
John T. Buckley  
James M. Catterson, Justices.

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

-against-

M-4838  
Ind. No. 8139/02

Homer Mathis,  
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 8, 2007 (Appeal No. 185), unanimously affirming the judgment of the Supreme Court, New York County (Michael J. Obus, J. at severance motion and suppression hearing; Carol Berkman, J. at jury trial and sentence), rendered on November 20, 2003,

And defendant-appellant having moved, in the nature of a writ of error coram nobis, for a review of his claim of ineffective assistance of appellate 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 said application is denied.

E N T E R:

  
Clerk.



At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,  
James M. McGuire  
Karla Moskowitz  
Leland G. DeGrasse  
Helen E. Freedman, Justices.

-----X  
Kambousi Restaurant, Inc.,  
trading as Royal Coach Diner,  
Plaintiff-Appellant,

-against-

M-886  
Index No. 18235/04

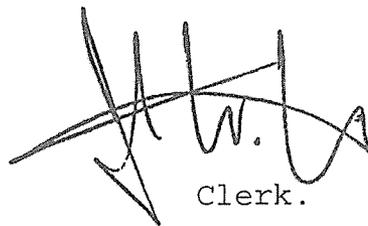
Burlington Insurance Company,  
Defendant-Respondent.  
-----X

Defendant-respondent having moved for reargument of the decision and order of this Court entered on January 20, 2009 (Appeal No. 4500),

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 30, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,  
John T. Buckley  
Karla Moskowitz  
Dianne T. Renwick, Justices.

-----X  
1319 Third Avenue Realty Corp.,  
Plaintiff-Appellant,

-against-

M-1220  
Index No. 119585/02

Chateaubriant Restaurant Development  
Company, LLC,  
Defendant-Respondent,

Ahmed Qasemi,  
Nonparty-Appellant.

-----X

A decision and order of this Court having been entered on December 18, 2008 (Appeal No. 4864N), modifying the order of the Supreme Court, New York County, entered on or about September 25, 2007,

And defendant-respondent having moved for clarification of the aforesaid decision and order of this Court and related relief,

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

Ordered that the motion is denied; the stay of the Referee's hearing granted by order of a Justice of this Court, dated March 11, 2009, is 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 30, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----x  
David Hooper,  
Plaintiff-Appellant,

-against-

M-1268  
Index No. 100262/06

Kaufman Arcade Associates, L.P.,  
et al.,  
Defendants-Respondents.

-----x

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about November 7, 2008 (mot. seq. no. 003),

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

And an order of this Court having been entered on April 16, 2009 (M-1271), deeming the motion and appeal withdrawn in accordance with a stipulation of the parties dated March 13, 2009,

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

It is ordered that the motion is 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 30, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
James M. Catterson  
Leland G. DeGrasse, Justices.

-----X  
William Bruce Tallant, et al.,  
Plaintiffs-Appellants,

-against-

M-1253  
Index No. 100856/06

Grey Line New York Tours, Inc.,  
et al.,  
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 June 16, 2008 (mot. seq. no. 002),

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

Ordered that the motion is granted to the extent of enlarging appellants' 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 30, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
James M. Catterson  
Leland G. DeGrasse, Justices.

-----X

Delhi Construction Corp.,

Plaintiff-Appellant,

-against-

M-1479

Index No. 606019/98

The City of New York, et al.,

Defendants-Respondents.

-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about January 26, 2007,

And plaintiff having moved for an order enlarging the time in which to perfect said appeal, and compelling plaintiff's former counsel, Larry B. Hollander, Esq., Hollander & Strauss, LLP, to produce all documents in his possession with respect to plaintiff's appeal,

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

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the October 2009 Term. So much of the motion which seeks to compel plaintiff's former counsel to produce all documents in his possession is denied, without prejudice to pursuing said relief before the Supreme Court.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
Eugene Nardelli  
James M. Catterson  
Leland G. DeGrasse, Justices.

-----X  
S & W Home Improvement Co.,  
Plaintiff-Respondent-Appellant,

-against-

M-1538  
Index No. 23098/99

La Casita II H.D.F.C., Fidelity &  
Deposit Company of Maryland and  
Lettire Construction,  
Defendants-Appellants-Respondents.

-----X

Defendants having taken appeals from the judgment of the Supreme Court, Bronx County, entered on or about July 25, 2007, the order of said Court entered on or about January 8, 2008, and from the amended judgment of said Court entered on or about June 11, 2008; and plaintiffs having taken cross appeals from the aforesaid order entered on or about January 8, 2008 and the amended judgment entered on or about June 11, 2008; and said appeals and cross appeals having been consolidated by the order of this Court entered on January 6, 2009 (M-5572),

And defendants-appellants-respondents having moved for an enlargement of time in which to perfect the consolidated appeals and cross 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 enlarging the time in which to perfect the consolidated appeals and cross appeals 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 30, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X

Noel Collins,  
Plaintiff-Respondent,

-against-

M-1718  
Index No. 100480/04

West 13<sup>th</sup> Street Owners Corp.,  
Defendant-Appellant,

Cinema Four, Inc., doing business as  
Quad Cinema, doing business as  
Elliot Kanbar,  
Defendant-Appellant,

Elliot Kanbar, Individually,  
Defendant.

-----X

[And third-party actions]

-----X

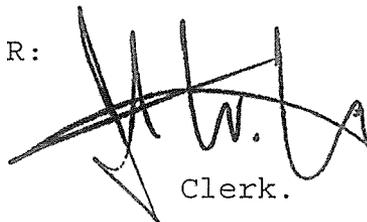
Separate appeals having been taken from the order of the Supreme Court, New York County, entered on or about April 30, 2008 (mot. seq. no. 004),

And defendant-appellant Cinema Four, Inc., doing business as Quad Cinema, doing business as Elliot Kanbar and defendant-appellant West 13<sup>th</sup> Street Owners Corp. having jointly moved for a stay of trial pending hearing and determination 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.

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 30, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
John W. Sweeny, Jr.  
Eugene Nardelli  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Anthony Gordon and Martina Gordon,  
Plaintiffs-Appellants,

-against-

M-1558  
Index No. 112926/07

Chris Curtis and Laurence Toussaint-  
Curtis and 476 Broadway Realty Corp.,  
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 July 14, 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 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 30, 2009.

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

-----X  
Ramon Tubilla Navarrete,  
Plaintiff-Appellant,

-against-

M-1163  
Index No. 570068/06

Alphonse Hotel Corporation,  
Defendant-Respondent.

-----X

Respondent having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about December 19, 2008, and for leave to have the appeal heard on the original record and upon a reproduced appellant's brief, and for other relief,

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

It is ordered that the motion is 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 30, 2009.

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

-----X

Bernard H. Glatzer,  
Plaintiff-Appellant,

-against-

Bear, Stearns & Co., Inc., Weisser  
Johnson & Co., L.P., Weisser Johnson  
& Co., and Frank Weisser,  
Defendants-Respondents.

Index No. 21663/04

M-1176

M-1202

M-1245

M-1293

M-1393

-----X

Bernard H. Glatzer,  
Plaintiff-Appellant,

-against-

Index No. 21401/05

Michael A. Cardozo - Corporation Counsel  
of the City of New York, Schindler Cohen  
& Hochman LLP, Jan C. Sturla - Director -  
Orange County Department of Child Support  
Services, The Chase Manhattan Bank, Marian  
Balay and Marlene Thomason,  
Defendants-Respondents.

-----X

Appeals having been taken to this Court from orders of the Supreme Court, Bronx County, entered on or about January 23, 2008 and March 21, 2008, respectively,

And the respective defendants-respondents having moved and cross-moved to dismiss plaintiff's appeals (M-1176/M-1202/M-1245/M-1293),

And plaintiff having moved for a stay of further proceedings with respect to the appeals, pending proceedings in the United States District Court for the Southern District of New York 09 Civ.00650 (VM) (M-1393),

(M-1176/M-1202/M-1245/  
M-1293/M-1393)

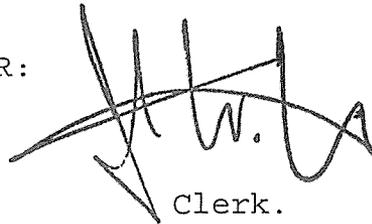
-2-

April 30, 2009

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

It is ordered that the respective defendants' motions and cross motions are granted and plaintiff's appeals are dismissed. Plaintiff's motion to stay proceedings is denied.

ENTER:

A handwritten signature in black ink, appearing to be "J. W. A.", 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 April 30, 2009.

Present: Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

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

-against-

M-1286  
Ind. No. 2235/00

Nolasco Pichardo, also known as  
Nolasco Pichado,  
Defendant-Appellant.

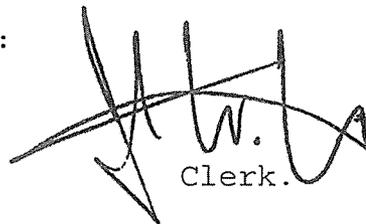
-----X

Respondent having moved for dismissal of the appeal taken from the judgment of the Supreme Court, New York County, rendered on or about October 18, 2000,

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

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:

  
Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on April 30, 2009.

PRESENT - Hon. David B. Saxe, Justice Presiding,  
David Friedman  
Karla Moskowitz  
Helen E. Freedman  
Rosalyn H. Richter, Justices.

-----X  
Jacqueline Aguilar Taylor and  
Harvey Garner, as the Administrator  
of the Estate of Henrietta Garner,  
Petitioners-Appellants,

-against-

M-1026  
Index No. 117944/06

New York State Division of Housing  
and Community Renewal and Amalgamated  
Warbasse Houses, Inc.,  
Respondents-Respondents.

-----X

Petitioners-appellants having moved for leave to prosecute, as poor persons, the appeal and amended appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about April 25, 2008 (mot. seq. nos. 001 and 003) and an appeal taken from the order of said Court entered on or about January 21, 2009 (mot. seq. no. 004), for leave to have the appeals heard upon the original record and a reproduced appellants' 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 appeals to be heard on the original record and upon a reproduced appellants' brief, on condition that appellants serve one copy of such brief upon the attorney for respondents and file 10 copies of such brief, together with the original record, with this Court. Appellants are permitted to dispense with payment of the required fee for the subpoena and filing of the record.

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 30, 2009.

PRESENT: Hon. David Friedman, Justice Presiding,  
John W. Sweeny, Jr.  
James M. Catterson  
Dianne T. Renwick  
Helen E. Freedman, Justices.

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

-against-

M-1407  
Ind. No. 4749/07

Raheem Campbell,  
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 January 5, 2009, for leave to have the appeal heard upon the original record and a reproduced appellant's brief, and for related relief,

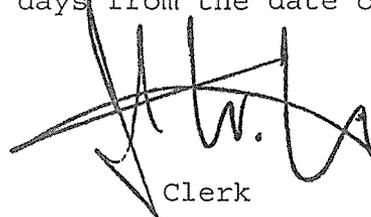
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

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

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

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

ENTER:



Clerk

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

BEFORE: Hon. Luis A. Gonzalez,  
Presiding Justice.

-----X  
The People of the State of New York, : M - 1363  
- against - : CERTIFICATE  
Richard Williams. : DENYING LEAVE  
: Indictment No.  
: 2560/94  
-----X

I, Luis A. Gonzalez, 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 Section 460.15 of the Criminal Procedure Law, 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 February 9, 2009, is hereby denied.

Dated: New York, New York

April 24, 2009

  
Justice

ENTERED APR 30 2009

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

BEFORE: Hon. Rosalyn H. Richter  
Justice of the Appellate Division

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

M-1305  
Ind. No. 2255/00

-against-

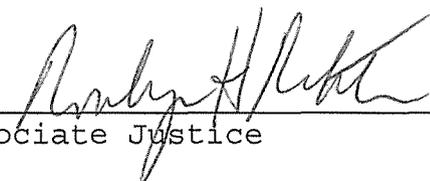
CERTIFICATE  
DENYING LEAVE

Derrick Williams

Defendant.

-----X

I, Rosalyn H. Richter, 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 February 3, 2009 is hereby denied.

  
\_\_\_\_\_  
Associate Justice

Dated: April 22, 2009  
New York, New York

ENTERED: APR 30 2009

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

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

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

M-1388

Ind. No. 7708/98

-against-

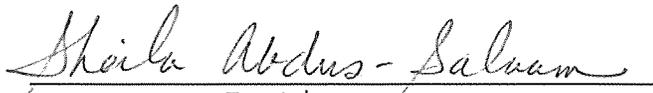
CERTIFICATE  
DENYING LEAVE

Charles Quail,

Defendant.

-----X

I, Sheila Abdus-Salaam, 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, Bronx County (Boyle, J.), entered on or about March 6, 2009, is hereby denied.

  
Justice

Dated: New York, New York  
April 22, 2009

**ENTERED**

APR 30 2009

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

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

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

M-1425  
Ind. No. 1435/02

-against-

CERTIFICATE  
DENYING LEAVE

Darnell Rivera, Defendant.  
-----X

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

Dated: New York, New York  
April 22, 2009



---

Hon. Leland G. DeGrasse  
Justice of the Appellate Division

ENTERED

APR 30 2009